



AGRICULTURAL RESEARCH INSTITUTE'  
PUŞA







PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL  
OF THE  
UNITED PROVINCES  
*OFFICIAL REPORT*

---

VOLUME XXXII

FROM JANUARY 10 TO 29, 1927.



ALLAHABAD

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# TABLE OF CONTENTS.

## Volume XXXII.

### PAGE.

#### MONDAY, JANUARY 10, 1927.

|   |     |     |     |     |      |
|---|-----|-----|-----|-----|------|
| Oath of office  | ... | ... | ... | ... | 1-2  |
| Election of President   | ... | ... | ... | ... | 2    |
| Congratulatory speeches on the election of Rai Bahadur<br>Lala Sita Ram | ... | ... | ... | ... | 2-10 |

#### MONDAY, JANUARY 24, 1927.

|  |     |     |     |     |        |
|--|-----|-----|-----|-----|--------|
| Oath of office   | ... | ... | ... | ... | 12, 46 |
| Questions and Answers  | ... | ... | ... | ... | 12-81  |
| Allotment of seats and procedure in taking divisions               | ... | ... | ... | ... | 81     |
| Announcements re assent of the Governor General to<br>various Acts | ... | ... | ... | ... | 31-32  |
| Election of Deputy President                                       | ... | ... | ... | ... | 32-33  |
| Appointment of a panel of chairman                                 | ... | ... | ... | ... | 38     |
| Resolution re physical training (adopted)                          | ... | ... | ... | ... | 34-68  |
| Appendices   | ... | ... | ... | ... | 69-80  |

#### TUESDAY, JANUARY 25, 1927.

|  |     |     |     |     |         |
|--|-----|-----|-----|-----|---------|
| Questions and Answers  | ... | ... | ... | ... | 82      |
| Elections—   |     |     |     |     |         |
| East Indian Railway Local Advisory Committee   | ... | ... | ... | ... | 83, 106 |
| Rohilkhand and Kumaun Railway Local Advisory<br>Committee  | ... | ... | ... | ... | 83, 106 |
| Bengal and North-Western Railway Local Advisory<br>Committee                                       | ... | ... | ... | ... | 84, 106 |
| Muslim Advisory Board of Allahabad University  | ... | ... | ... | ... | 84      |
| Announcement of approval of His Excellency the Governor<br>to the election of the Deputy President | ... | ... | ... | ... | 84      |
| Resolution re amendment of District Board Education<br>Rules (adopted)                             | ... | ... | ... | ... | 85, 105 |
| Resolution re female wards in public hospitals (adopted)   | ... | ... | ... | ... | 106-109 |
| Resolution re prohibition (adopted)  | ... | ... | ... | ... | 109-143 |
| Appendix   | ... | ... | ... | ... | 144     |

## WEDNESDAY, JANUARY 26, 1927.

|   |     |     |     |     |          |
|---|-----|-----|-----|-----|----------|
| Oath of office  | ... | ... | ... | ... | 146      |
| Elections—  |     |     |     |     |          |
| King Edward VII Memorial Sanatorium Trust Committee   | ... | ... | ... | ... | 146, 173 |
| Board of Industries   | ... | ... | ... | ... | 146, 173 |
| Irrigation Board  | ... | ... | ... | ... | 147, 173 |
| Board of Public Health  | ... | ... | ... | ... | 147, 173 |
| Forest Board  | ... | ... | ... | ... | 147, 173 |
| Court of the Allahabad University   | ... | ... | ... | ... | 143, 173 |
| Resolution <i>re</i> a notification in the Education department (adopted)   | ... | ... | ... | ... | 148      |
| Resolution <i>re</i> the re-introduction of the United Provinces Land Revenue (Amendment) Bill—Settlement (withdrawn)             | ... | ... | ... | ... | 174      |
| Resolution <i>re</i> <i>kans</i> grass in Bundelkhand (adopted)   | ... | ... | ... | ... | 174      |
| Resolution <i>re</i> the re-introduction of the United Provinces Land Revenue (Amendment) Bill—Settlement (Hon'ble member absent) | ... | ... | ... | ... | 181      |

## THURSDAY, JANUARY 27, 1927.

|  |     |     |     |     |         |
|--|-----|-----|-----|-----|---------|
| Questions and Answers...   | ... | ... | ... | ... | 181—208 |
| Ruling as to form of replies to questions                                | ... | ... | ... | ... | 208—209 |
| Resolution <i>re</i> abolition of commissionerships (adopted)            | ... | ... | ... | ... | 209—229 |
| Resolution <i>re</i> grant for the Benares Hindu University (adopted)... | ... | ... | ... | ... | 229—252 |
| Resolution <i>re</i> prohibition (not moved)                             | ... | ... | ... | ... | 252     |
| Resolution <i>re</i> grants to Sanskrit and Hindi Pathshalas (withdrawn) | ... | ... | ... | ... | 252     |
| Appendices...  | ... | ... | ... | ... | 252—261 |

## FRIDAY, JANUARY 28, 1927.

|   |     |     |     |     |          |
|---|-----|-----|-----|-----|----------|
| Questions and Answers                                     | ... | ... | ... | ... | 264—277  |
| Elections—  |     |     |     |     |          |
| Primary Education Advisory Committee...                   | ... | ... | ... | ... | 278, 279 |
| Excise Advisory Board                                     | ... | ... | ... | ... | 278, 322 |
| Board of Communications                                   | ... | ... | ... | ... | 279, 322 |
| Resolution <i>re</i> improvement of rural areas (adopted) | ... | ... | ... | ... | 279, 322 |
| Appendices ..   | ... | ... | ... | ... | 322—331  |

## SATURDAY, JANUARY 29, 1927.

|                                  |     |     |     |     |     |
|----------------------------------|-----|-----|-----|-----|-----|
| Questions and Answers            | ... | ... | ... | ... | 334 |
| Notice of motion for adjournment | ... | ... | ... | ... | 352 |

# CONTENTS

iii

PAGE.

## Committee on Public Accounts—

|  |     |
|--|-----|
| Tenth report adopted with amendments ... ..                                | 353 |
| Eleventh report adopted ... ..   | 361 |
| Demands for excess grants relating to the financial year<br>1924-25 ... .. | 366 |
| Supplementary estimates ... ..   | 360 |
| Discussion on motion for adjournment ... ..                                | 375 |
| Appendices... ..   | 398 |



INDEX TO THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL  
OF THE  
UNITED PROVINCES OF AGRA AND OUDH.

Volume XXXII.

N.B.—Questions relating more particularly to specific places and those relating to cases of individuals will be found under the main headings of "Local questions" and "Personal questions" respectively.

A

ABDUL QAYUM, HAJI—

Sworn in. 2.

ABDUL BARI, MR. MUHAMMAD—

Sworn in. 2.

ABDULLAH, SHAIKH—

Sworn in. 1.

Elected member of the Allahabad University Muslim Advisory Board. 84.

Resolution *re* female wards in public hospitals. 107-108.

Resolution *re* a notification in the Education department. 161.

Resolution *re* grant for the Benares Hindu University. 235-236.

Motion for adjournment. 384.

ABDUS SAMI KHAN, LIEUT. KHAN BAHADUR, NAWAB  
ZADA—

Sworn in. 2.

ABHAINANDAN PRASAD, RAI BAHADUR BABU—

Sworn in. 1.

Bengal and North-Western Railway Advisory Committee. 84, 106.

ABU JAFAR, RAJA, SIR SAIYID—

Sworn in. 1.

ADJOURNMENT—

Motion for—. 352, 375-398.

AGRA TENANCY ACT, 1926—

Announcement of assent of the Governor General to—. 81.



**AGRA UNIVERSITY—**

Question *re* affiliation of colleges to——. 347.

**AGRA UNIVERSITY ACT, 1926—**

Announcement of assent of the Governor General to——. 32.

**AGRICULTURAL HOLDINGS—**

Question *re* consolidation of ——. 338.

**AGRICULTURAL OVERSEERS—**

Question *re* pay and allowances of——. 202.

**AGRICULTURAL SCHOOLS—**

Question *re*——. 15, 267.

**AHMAD ALI KHAN ALVI, RAJA SAIYID—**

Sworn in. 1.

Irrigation Board. 147, 173.

Resolution *re* re-introduction of the United Provinces Land Revenue (Amendment) Bill. 174.

**AHMAD SA'ID KHAN, THE HON'BLE LIEUT. NAWAB MUHAMMAD—**

Sworn in. 1.

Resolution *re* prohibition. 120—122.

Motion for adjournment. 352, 393-394.

Supplementary estimates. 369, 371, 372, 374.

**AHMAD SHAH, MR. E.—**

Sworn in. 1.

Resolution *re* physical training. 44—46.

Resolution *re* prohibition. 125-126.

**ALLAHABAD UNIVERSITY—**

Election to Muslim Advisory Committee of——. 84.

Election of five members for the court of——. 148, 173.

**AMBE PRASAD, RAI BAHADUR MUNSHI—**

Sworn in. 2.

Forest Advisory Board. 147, 173.

Resolution *re* the re-introduction of the United Provinces Land Revenue (Amendment) Bill. 181.

**ASSAM—**

Question *re* recruitment of labour for——. 270.

**B**

**BADAN SINGH, CHAUDHRI—**

Sworn in. 2.

And *see* "Questions and Answers."

**BADRE ALAM, KHAN BAHADUR SHAH—**

Sworn in. 1.

**BADRE ALAM, KHAN BAHADUR SHAH—*conold.***

Resolution *re* abolition of commissionerships. 212-213.

Board of communications. 279, 322.

**BADRI DUTT PANDE, PANDIT—**

Sworn in. 2.

King Edward VII Memorial Sanatorium Trust Committee. 146, 173.

Forest Advisory Board. 147, 173.

And *see* "Questions and Answers."

**BENGAL AND NORTH-WESTERN RAILWAY—**

Election to Local Advisory Committee of—. 84, 106.

**BHAGWAT NARAYAN BHARGAVA, PANDIT—**

Sworn in. 1.

Resolution *re* amendment of District Board Education rules 97—99.

Board of Industries. 146—173.

Resolution *re kans* grass in Bundelkhand. 178-179.

Resolution *re* grant for the Benares Hindu University. 242-243.

Resolution *re* improvement of rural areas. 296—298.

Supplementary estimates. 366-367, 370-371, 373.

Motion for adjournment. 378—380.

And *see* "Questions and Answers."

**BHAGWATI SAHAI BEDAR, BABU—**

Sworn in. 2.

East Indian Railway Advisory Committee. 83, 106.

Resolution *re* prohibition. 122—125.

Supplementary estimates. 373, 374.

**BHOPAL SINGH, DR.--**

King Edward VII Memorial Sanatorium Trust Committee. 146, 173.

**BIHARI LAL, RAI BAHADUR LALA--**

Sworn in. 2.

Resolution *re* amendment of District Board Education rules. 91—94.

**BIKRAM SINGH, THAKUR—**

Sworn in. 1.

**BILLS—**

Question *re* delay in payment of—. 22.

**BISHESHWAR DAYAL SETH, KUNWAR—**

Sworn in. 1.

**BISHWANATH SARAN SINGH, RAJA BAHADUR—**

Sworn in. 1.

**BLUNT, Mr. E. A. H.—**

Sworn in. 1.

Resolution *re* prohibition. 138—140.

Committee on Public Accounts, tenth report. 356—358.  
 ————— eleventh report. 364-365.

Supplementary estimates. 369.

**BOARD OF COMMUNICATIONS—**

Election of three members for——. 279, 322.

**BOARD OF INDUSTRIES—**

Election of three members for——. 146-147, 173.

**BOARD OF PUBLIC HEALTH—**

Election of three members for——. 147, 173.

**BRIJNANDAN PRASAD MISRA, PANDIT—**

Sworn in. 1.

Rohilkhand and Kumaun Railway Advisory Committee. 83, 106.

**BUNDELKHAND ALIENATION OF LAND ACT—**

Question *re*——. 347.

**C**

**CHANNER, Mr. F. F. R.—**

Sworn in. 1.

**CHINTAMANI, Mr. C. Y.—**

Sworn in. 1.

Election of President. 5-6.

Resolution *re* prohibition. 133—135.

Resolution *re* a notification in the Education department. 148—  
 154, 169—172.

Resolution *re* abolition of commissionerships. 223—226.

Resolution *re* grant for the Benares Hindu University. 245—247

Resolution *re* improvement of rural areas. 313—315.

Motion for adjournment. 352, 375—378, 396.

Tenth report of Committee on Public Accounts. 353—356.

Eleventh report of Committee on Public Accounts. 363-364,

And see "Questions and Answers."

**CLARKE, Mr. G.—**

Sworn in. 12.

Resolution *re* *kans* grass in Bundelkhand. 176-177.

Resolution *re* improvement of rural areas. 289—292.

**COMMISSIONERSHIPS—**

Question *re* reduction of—— 191, 338

**COMMITTEE ON PUBLIC ACCOUNTS —**

Tenth report of——. 353—361.

Eleventh report of——. 361—365.

**COMPULSORY EDUCATION—**

Questions *re*——. 188, 347.

**CO-OPERATIVE CREDIT SOCIETIES—**

Question *re*——. 17.

**COPYISTS—**

Question *re*——In tahsils. 14.

**CORRUPTION—**

Questions *re*——amongst Government servants. 341, 347.

**D**

**DAIS—**

Question *re* training for——. 339.

**DEOTA PRASAD, PANDIT—**

Sworn in. 2.

**DEPRESSED CLASSES—**

Question *re*——. 334.

**DEPUTY PRESIDENT—**

Election of——. 32-33, 84.

Resolution *re* physical training. 55—57.

Acknowledgement of congratulations from various members.  
163-164.

Resolution *re* grant for Benares Hindu University. 38.

Ruling *re* courtesy to the chair. 292.

**DESANGES, MR. H. C.—**

Sworn in. 146.

Resolution *re* abolition of commissionerships. 219-220.

**DISTRICT BOARDS.**

Question *re* taxation by ——. 29.

**DISTRICT BOARDS PRIMARY EDUCATION ACT—**

Questions *re*——. 188, 273.

**DISTRICT GAZETTES—**

Question *re* ——. 204.

**DODD, MR. R. J. S.—**

Sworn in. 1.

**DOUBLE-RECORD SYSTEM—**

Question *re* re-introduction of——. 21.

**DUBE, MR. A. P.—**

Sworn in. 2.

Resolution *re* physical training. 34—38, 64—66.

DUBE, MR. A. P.—*concl'd.*

Court of the Allahabad University. 148, 173

Supplementary estimates. 369.

Motion for adjournment. 389--390

DURGA NARAYAN SINGH, LIEUT. RAJA—

Sworn in. 1.

## E

EAST INDIAN RAILWAY—

Election to Local Advisory Committee of ——. 83, 106

EDUCATION CODE—

Question *re* revision of the — 339.

ELLIOTT, SIR IVO—

Sworn in. 1.

Resolution *re* improvement in rural areas. 294—296.

EXCESS GRANTS, 1924-25—

Damands for ——. 366.

EXECUTIVE AND JUDICIAL FUNCTIONS —

Question *re* separation of ——. 190, 337.

EXCHANGE—

Question *re* rate of ——. 27.

EXCISE ADVISORY BOARD—

Election of six members for ——. 278, 322.

EXCISE BOARD—

Question *re* the Provincial ——. 267.

EXPERIMENTAL FARMS —

Question *re* ——. 273.

## F

FASIH-UD-DIN, KHAN BAHADUR MAULVI—

Sworn in. 1.

Election of President. 6.

Resolution *re* physical training. 59-60.

Resolution *re* amendment of District Board Education Rules. 94-95.

Resolution *re* a notification in the education department. 164-165.

Board of Industries. 146, 173.

Resolution *re* improvement of rural areas. 310-311.

FAZL-UR-RAHMAN KHAN, KHAN BAHADUR MAULVI—

Sworn in. 12.

FINANCE COMMITTEE —

Question *re* the late ——. 275.

**FOREIGN LIQUOR—**

Question *re*——. 13, 271.

**FORESTS—**

Questions *re* communal——in Kumaun. 192, 204.

**FOREST ADVISORY BOARD—**

Election of four members for——. 147, 173.

**G**

**GANESH SHANKAR VIDYARTHI, SRI—**

Sworn in. 2.

**GANGA PRASAD ROY, BABU—**

Sworn in. 1.

**GHULAM HUSAIN, SHAIKH—**

Sworn in. 2.

Forest Advisory Board. 147, 173.

**GOVERNMENT SERVANTS—**

Questions *re* corruption amongst— —. 341, 347.

**GOVERNOR, HIS EXCELLENCY THE—**

Announcement of approval of election of President. 2.

Announcement of approval of election of Deputy President. 84.

**GOVERNOR GENERAL, HIS EXCELLENCY THE—**

Assent of——to various Acts announced. 31-32.

**GOVIND BALLABH PANT, PANDIT—**

Sworn in. 2.

Election of President. 8-9.

Resolution *re* amendment of District Board Education Rules.  
102-105.

Resolution *re* prohibition. 130—133.

Resolution *re* a notification in the Education department. 166—  
168.

Resolution *re* improvement of rural areas. 279—285, 316—322.

Committee on Public Accounts, eleventh report. 362-363.

And *see* "Questions and Answers."

**GREAT INDIAN PENINSULA RAILWAY—**

Question *re* Advisory Committee for——. 346.

**H**

**HABIB-ULLAH, MAULVI, SAIYID—**

Sworn in. 1

Resolution *re* *kans* grass in Bundelkhand. 176.

Resolution *re* abolition of commissionerships. 211.

Excise Advisory Board. 278, 322.

**HABIB-ULLAH, SHAIKH MUHAMMAD—**

Sworn in. 1.

Motion of adjournment. 384-385.

**HAKIMS AND VAIDS—**

Question *re* rules for granting aid to—. 339.

**HANUMAN SINGH, RAI BAHADUR THAKUR—**

Sworn in. 1.

**HANUMAT PRASAD SINGH, BHAYA—**

Sworn in 2.

**HAR PRASAD SINGH, THAKUR—**

Sworn in. 2.

Resolution *re* *kans* grass in Bundelkhand. 174—176, 180-181.

**HEADS OF DEPARTMENTS—**

Question *re*—, 82.

**HIDAYAT HUSAIN, KHAN BAHADUR HAFIZ—**

Sworn in. 1.

Election of President. 4-5.

Resolution *re* physical training. 48-49.

East Indian Railway Advisory Committee. 83, 106.

Resolution *re* a notification in the Education department. 162.

Resolution *re* *kans* grass in Bundelkhand. 177-178.

Resolution *re* abolition of commissionerships. 217—219.

Resolution *re* improvement of rural areas. 292—294.

And *see* "Questions and Answers."

**HIGH COURT—**

Question *re* Assistant Registrarship of the—. 27.

**HINDU UNIVERSITY, BENARES—**

Question *re* grant to—. 339.

**HONORARY MUNSIFS—**

Question *re*—in Agra province. 195.

**HUKUM SINGH, THAKUR—**

Sworn in. 1.

Resolution *re* physical training. 43-44.

Irrigation Board. 147, 173.

Resolution *re* improvement of rural areas. 306—310.

**I**

**INDRAJIT PRATAP BAHADUR SAHI, RAJA—**

Sworn in. 1.

Election of President. 6.

**IQBAL NARAYAN GURTU, PANDIT—**

Sworn in. 2.

Resolution *re* physical training. 40—42.

**IQBAL NARAYAN GURTU, PANDIT--*concl'd.***

Resolution *re* a notification in the Education department. 156—158.

Resolution *re* abolition of commissionerships. 214—216.

Resolution *re* grant for the Benares Hindu University. 229—235, 249—251.

Motion for adjournment. 390—393.

**IRRIGATION BOARD—**

Election of four members for——. 147, 173.

**J**

**JACKSON, ST. GEORGE, H. S.—**

Sworn in. 1.

Appointed a chairman. 33.

Excise Advisory Board. 278 322.

**JAFAR HUSAIN, KHAN BAHADUR SAIYID—**

Sworn in. 1.

Court of the Allahabad University. 148, 172.

Resolution *re* prohibition (second) withdrawn. 252.

**JAGANNATH BAKHSH SINGH, RAJA—**

Sworn in. 1.

Resolution *re* prohibition. 141-142.

Resolution *re* a notification in the Education department. 163.

**JAGANNATH PRASAD, RAI BAHADUR CHAUDHRI—**

Sworn in. 1.

Excise Advisory Board. 278, 322.

**JAGDISH PRASAD, KUNWAR—**

Sworn in. 2.

Resolution *re* physical training. 63-64.

Resolution *re* prohibition. 135—138.

Resolution *re* *kans* grass in Bundelkhand. 180.

Resolution *re* grant for the Benares Hindu University. 247—249.

Motion for adjournment. 387-389, 392, 396.

**JAGDISH PRASAD, RAI SAHIB LALA—**

Sworn in. 2.

Resolution *re* abolition of commissionerships. 213-214.

**JAILS—**

Question *re* reform of——in the United Provinces. 194.

**JAIL MANUAL—**

Question *re* revision of the——. 188, 266.

**JAMSHED ALI KHAN, LIEUT. NAWAB MUHAMMAD—**

Sworn in. 1.

**JUDICIAL AND EXECUTIVE FUNCTIONS—**

Questions *re* separation of——. 190, 337.



## K

**KALI CHARAN MISRA, LIEUT. RAJA—**

Sworn in. 1.

**KANS—**

Question *re* growth of—in Bundelkhand. 195.

**KAVENDRA NARAYAN SINGH, BABU—**

Sworn in. 12.

**KHALIL AHMAD SHAH, KHWAJA—**

Sworn in. 2.

Election of President. 6-7.

Resolution *re* grant for the Benares Hindu University. 239—240.

**KHARAGJIT MISRA, RAJ BAHADUR PANDIT—**

Sworn in. 1.

Candidate for Deputy Presidentship. 33.

**KING EDWARD VII MEMORIAL SANATORIUM TRUST COMMITTEE --**

Election of five members for—. 146, 173.

**KING GEORGE'S MEDICAL COLLEGE—**

Question *re* graduates of —. 30.

**KISHORI PRASAD, BABU --**

Sworn in. 1.

Court of the Allahabad University. 148, 173

**KRISHNA PAL SINGH, RAO—**

Sworn in. 46.

**KUSHAL PAL SINGH, RAJA—**

Sworn in. 1.

Resolution *re* abolition of commissionerships. 211-212.

## L

**LAMBERT, MR. G. B.—**

Sworn in. 1.

**LAND—**

Question *re* transfer of—from agriculturists to non-agriculturists  
24.

**LANE, MR. H. A.—**

Sworn in. 1.

**LEE COMMISSION—**

Question *re* recommendations of the —. 26.

**LEGISLATIVE COUNCIL—**

Question *re* elections for the—. 22, 24, 184.

Question *re* the new chamber for the—. 23.

LEGISLATIVE COUNCIL—*concl'd.*

Question *re* publication of proceedings of—in Hindi. 194.

Question *re* representation of Provincial Judicial Service in the —. 27.

LIAQAT ALI KHAN, NAWABZADA MUHAMMAD—

Sworn in. 2.

LIQUOR—

Question *re* cost of German and Java—. 276.

Question *re* selection of licensees for sale of—. 277.

LISTED POSTS—

Question *re*—. 20.

LOCAL QUESTIONS—

ALMORA—

Question *re* cart-roads in—. 206.

Question *re* high school at—. 207.

Question *re* visit of Deputy Commissioner of—to Tibet. 207.

BANSMANDI—

Question *re* timber merchants at—. 25.

BISAUJI (Budaun).

Question *re* communal trouble at—. 348.

BUNDELKHAND—

Question *re* increase of *kans* in—. 195.

CAWNPÖRE—

Question *re* civil court buildings at—. 25.

Question *re* dyeing and textile schools at—. 16.

Question *re* infant mortality in—. 26.

CHANDPUR-NAJIBABAD RAILWAY LINE—

Question *re* the—. 184.

CHIRGAON—

Question *re* town area of—. 199.

DEHRA DUN—

Question *re* water project at—. 12.

FATEHPUR-SIKRI—

Question *re* water supply at—. 26.

GARNWAL—

Question *re* cart-roads in—. 203.

Question *re* rinderpest in—. 203.

GARIAPHATAK—

Question *re* town area of—. 196.

JALAUN—

Question *re* Muslim honorary magistrates in—. 31.

LOCAL QUESTIONS—*concl'd.*

JHANSI—

Question *re* grant to District Board of——, 265.

Question *re* patwaris in——, 200.

Question *re* revenue cases in——, 200.

KUMAUN—

Question *re* communal forests in——, 192, 204.

Question *re* removal of——from the Scheduled Districts Act. 204.

NAINI TAL—

Question *re* Municipal Board of——, 192.

Question *re* treatment of prisoners at——, 265.

ORAI—

Question *re* house for superintendent of police at——, 17.

Question *re* town hall at——, 30.

RUDRA-PRAYAG—

Question *re* man-eating leopard near —, 202.

TIBET—

Question *re* visit of Deputy Commissioner of Almora to——, 207.

**M**

MACKENZIE, MR. A. H.—

Sworn in. 12.

Resolution *re* physical training. 53—55.

Resolution *re* amendment of District Board Education Rules. 102.

Resolution *re* improvement of rural areas. 303—306.

MAHBUB ALI KHAN, KHAN BAHADUR, HAKIM—

Sworn in. 27.

MAHENDRA DEVA VARMA, BABU—

Sworn in. 1.

MAHJIB SINGH, MAHARAJ KUMAR, MAJOR—

Sworn in. 1.

Resolution *re* a notification in the Education department. 165-166.

Forest Advisory Board. 147, 173.

MANAK SINGH, THAKUR—

Sworn in. 2.

Resolution *re* physical training. 57—59.

Resolution *re* grant for the Benares Hindu University. 243-244.

Board of Communications. 279, 322.

MANGAT SINGH, CHAUDHRI—

Sworn in. 2.

**MANJIT SINGH RATHOR, THAKUR—**

Sworn in. 2.

Resolution *re* physical training. 60--63.

Resolution *re* prohibition. 117--120.

Court of Allahabad University. 148, 173.

Motion for adjournment. 380-381.

And *see* "Questions and Answers."

**MASUD-UL-HASAN, KHAN BAHADUR, MR.—**

Sworn in. 12.

Resolution *re* prohibition. 115--117.

Motion for adjournment. 383-384.

**MATHURA PRASAD MEHROTRA, RAI BAHADUR, LALA—**

Sworn in. 2.

Resolution *re* a notification in the Education department. 165.

Court of Allahabad University. 148, 173.

Resolution *re* improvement of rural areas. 285.

Board of Communications. 279, 322.

Motion for adjournment. 385-386.

**MENAIR, MR. A. W.—**

Sworn in. 1.

**MEDICAL INSPECTORS OF SCHOOLS—**

Question *re* —, 21.

**MESTON SETTLEMENT—**

Question *re* the —, 22.

**MINISTER—**

Question *re* appointment of a third —, 265.

**MIXED SCHOOLS—**

Question *re* attendance of Muslim boys at —, 30.

**MOHAN LAL, RAI BAHADUR, BABU—**

Sworn in. 1.

Resolution *re* amendment of district board education rules. 100  
—102.

Resolution *re* a notification in the Education department. 161 —  
162.

Resolution *re* improvement of rural areas. 287—289.

Primary education advisory committee. 278-279.

Motion for adjournment. 381—383.

**MUHAMMAD HABIB, SHAIKH—**

Sworn in. 2.

**MUHAMMAD IBRAHIM, HAFIZ.—**

Sworn in. 2.

Resolution *re* prohibition. 109—113, 142.

Excise advisory board. 278, 322.

**MUHAMMAD ISMAIL, KHAN BAHADUR, MR.—**

Sworn in. 2.

Election of President. 9.

Appointed a chairman. 33.

**MUHAMMAD YUSUF, THE HON'BLE NAWAB—**

Sworn in. 1.

**MUKANDI LAL, MR.—**

Sworn in. 2.

Election of President. 3-4.

Elected Deputy President. 33.

And *see* "Questions and Answers."

**MUNICIPAL BOARDS—**

Question *re* New——. 196.

**MUSLIM BOYS—**

Question *re* attendance of——in mixed schools. 30.

**N**

**NAIKS—**

Question *re* Bill concerning. .... 193, 204, 340, 351.

**NANAK CHAND, PANDIT—**

Sworn in. 1.

Candidate for Deputy Presidentship 33

And *see* "Questions and Answers "

**NEMI SARAN, LAL—**

Sworn in. 1.

Resolution *re* amendment of district board education rules, 85 -  
90, 106.

Supplementary estimates. 368, 371 -373.

And *see* "Questions and Answers."

**NIAMAT-ULLAH, CHAUDHRI—**

Sworn in. 2.

**NIHAL SINGH, SIRDAR—**

Sworn in. 1.

Candidate for Deputy Presidentship. 33.

Appointed a chairman. 33.

**NORTON, MR. E. L.—**

Sworn in. 1.

Supplementary estimates. 367-368,

**NOTIFIED AREAS—**

Question *re* new——. 196.

## O

OATH OF OFFICE. 1, 2, 12, 46, 146.

OBAID-UR-RAHMAN KHAN, MAULVI MUHAMMAD—

Sworn in. 2.

O'DOYNELL. THE HON'BLE SIR SAM.—

Sworn in. 1.

Election of President. 2-3.

Resolution *re* prohibition. 140-141.

Resolution *re* abolition of Commissionerships. 220-223, 227-228.

Resolution *re* grant for the Hinlu University. 241-242, 251-252.

Resolution *re* improvement of rural areas. 315-316.

Committee on Public Accounts, tenth report. 353, 359.

—————eleventh report. 361.

Excess grants for 1924-25. 366.

Supplementary estimates. 366, 370, 375.

Motion for adjournment. 395-396.

ODISH RENT (AMENDMENT) ACT, 1926.

Announcement of assent of the Governor General to — 32.

## P

PANCHAYATS—

Question *re* —. 336.

PANEL OF CHAIRMEN—

Appointment of —. 33.

PATWARIS—

Question *re* allowances of — in Jhansi. 200.

PERSONAL QUESTION—

DAMODAR SWARUP, Seth—

Question *re* —. 268.

PHYSICAL CULTURE—

Question *re* allotment for —. 29, 340.

PIM, MR A. W.—

Sworn in. 12.

PRAG NARAYAN BABU—

Sworn in. 2.

PRAFAP BHAN SINGH, THAKUR—

Sworn in. 1.

PRESIDENT, THE HON'BLE THE—

Election of —. 2, 9-10.

Announcement *re* allotment of seats. 31.

**PRESIDENT, THE HON'BLE THE—*concl'd.***

Announcement *re* assents to acts passed at the last session.  
31—32.

Election of Deputy President. 32-33, 84.

Appointment of panel of Chairmen. 33.

Resolution *re* physical training. 46, 48, 49, 58, 66.

Resolution *re* amendment of district board education rules. 105.

Elections to various committees. 83-84, 106.

Resolution *re* prohibition. 114, 119, 136, 137.

Resolution *re* *kans* grass in Bundelkhand. 179.

Resolution *re* abolition of Commissionerships. 220.

Resolution *re* grant for the Benares Hindu University. 240.

Elections to various boards. 278, 279, 322.

Resolution *re* improvement of rural areas. 309, 310.

Motion for adjournment. 352, 379, 380, 381, 390, 392, 394, 395

Committee on Public Accounts. 353, 361, 362.

Supplementary estimates. 359, 371, 372, 373, 374.

**PRIMARY EDUCATION—**

Question *re* report on —. 20.

**PRIMARY EDUCATION ACT, 1919—**

Question *re* the —. 28.

**PRIMARY EDUCATION ACT, 1926—**

Question *re* the —. 29.

Question *re* rules under section 17 of —. 29.

**PRIMARY EDUCATION ADVISORY COMMITTEE—**

Election of two members for —. 278, 279.

**PRISONERS—**

Question *re* short-term —. 264.

**PROVINCIAL, JUDICIAL SERVICE—**

Question *re* the —. 342.

**PROVINCIAL SERVICE OFFICERS—**

Question *re* —. 14.

**PUBLIC BUILDINGS—**

Question *re* amount spent on various kinds of —. 273.

**PUBLIC SERVANTS—**

Question *re* corruption amongst —. 341, 347.

**Q**

**QUESTIONS AND ANSWERS—**

**BADAN SINGH, CHAUDHRI—**

Question *re* district gazettes. 204.

Question *re* communal trouble in Bisauli, tahsil Budaun. 348.

QUESTIONS AND ANSWERS—*contd.*

BADRI DUTT PANDE, PANDIT—

- Question *re* communal forests in Kumaun. 192.
- Question *re* Chairman, Municipal Board, Naini Tal. 192.
- Question *re* Nayak Reform Bill 193.
- Question *re* publication of Council Proceedings in Hindi. 194.
- Question *re* munsifs and subordinate judges. 194.
- Question *re* jail reforms in the United Provinces. 194.
- Question *re* cart roads in Almora. 206.
- Question *re* high school in Almora. 207.
- Question *re* visit of Deputy Commissioner of Almora to Tibet. 207.

BHAGWAT NARAYAN BHARGAVA, PANDIT—

- Question *re* rules regarding teachers holding certificates of Universities of other provinces. 195.
- Question *re* honorary munsifs in Agra province. 195.
- Question *re* growth of *kans* in culturable areas in Bundelkhand. 195.
- Question *re* newly constituted town areas, notified areas and municipal boards. 196.
- Question *re* Garhia Phatak Town Area, Jhansi. 196.
- Question *re* Town Area, Chirgaon. 199.
- Question *re* revenue cases in Jhansi. 200.
- Question *re* halting and daily allowances to patwaris in Jhansi. 200.
- Question *re* supervisor qanungos. 201.
- Question *re* pay and allowances to Sub-Inspectors, Agricultural Overseers and Sub-Deputy Inspectors. 202.
- Question *re* allowances to supervisor qanungos. 202.
- Question *re* amendment of the Municipal Act. 264.
- Question *re* short-term imprisonments. 264.
- Question *re* grant to District Board, Jhansi. 265.
- Question *re* appointment of a third Minister. 265.
- Question *re* District Board and Government Schools. 265.
- Question *re* treatment of prisoners in Naini Tal Jail. 265.
- Question *re* the Jail Manual. 266.
- Question *re* agricultural schools in the United Provinces. 267.
- Question *re* Provincial Excise Board. 267.
- Question *re* Advisory Committee of the Great Indian Peninsula Railway. 346.
- Question *re* compulsory education. 347.



QUESTIONS AND ANSWERS—*concl'd.*

BHAGWAT NARAYAN BHARGAVA, PANDIT—*concl'd.*

Question *re* affiliation of colleges to Agra University. 347.

Question *re* Government's action on resolution regarding corruption amongst public servants. 347.

Question *re* Bundelkhand Alienation of Land Act. 347.

CHINTAMANI, MR. C. Y.—

Question *re* the Provincial Judicial Service officers. 342.

GOVIND BALLABH PANT, PANDIT—

Question *re* posts of the heads of department. 82.

Question *re* Seth Damodar Swarup, prisoner. 268.

Question *re* recruitment for Assam Tea plantations in United Provinces. 270.

Question *re* foreign liquor. 271.

Question *re* amount spent on the construction of certain buildings. 273.

Question *re* experimental farms. 273.

Question *re* District Boards Primary Education Act, 1926. 273.

Question *re* state scholarships. 274.

Question *re* Finance Committee meeting. 275.

Question *re* cost price per bottle of German and Java liquors in United Provinces. 276.

Question *re* method of selecting licensees for sale of liquor. 277.

Question *re* vernacular translation bureau. 277.

Question *re* Land Revenue Amendment Bill. 277.

Question *re* Naik Reform Bill. 351.

HIDAYAT HUSAIN, KHAN BAHADUR, HAFIZ—

Question *re* foreign liquor. 13.

Question *re* copyists in tahsils. 14.

Question *re* Provincial Service Officers. 14.

Question *re* agricultural schools. 15.

Question *re* amalgamation of dyeing and textile schools at Cawnpore. 16.

Question *re* utilization of grant for vernacular literature. 16.

Question *re* disposal of revenue cases. 16.

Question *re* acquisition of a house for the Superintendent of Police at Orai. 17.

Question *re* Registrar and Deputy Registrar of Co-operative Credit Societies. 17.

Question *re* listed posts. 20.

Question *re* report on primary education. 20.

Question *re* Medical Inspectors of Schools. 21.

QUESTIONS AND ANSWERS—*contd.*

HIDAYAT HUSAIN, KHAN BAHADUR, HARIZ—*concl'd.*

Question *re* double record system in courts. 21.

Question *re* court fees on accounts and statements relating to waqfs. 22.

Question *re* the Meston Settlement. 22.

Question *re* delay in payments of bills. 22.

Question *re* State Medical Faculty. 22.

Question *re* Council elections. 22.

Question *re* new Council Chamber. 23.

Question *re* election expenses for the Legislative Council. 24.

Question *re* transfer of land from agricultural to non-agricultural classes. 24.

Question *re* Civil Court buildings, Cawnpore. 25.

Question *re* Bansmandi timber merchants. 25.

Question *re* recommendations of the Lee Commission. 26.

Question *re* infantile mortality in Cawnpore. 26.

Question *re* lack of good water at Fatehpur-Sikri. 26.

Question *re* rate of exchange. 27.

Question *re* Assistant Registrar of the High Court at Allahabad. 27.

Question *re* representation by nomination to the Legislative Council from the United Provinces Judicial Service. 27.

Question *re* Primary Education Act, 1919. 28.

Question *re* encouragement of scout craft and physical training in schools. 28.

Question *re* allotment for physical culture. 29.

Question *re* Primary Education Act, 1926. 29.

Question *re* statutory powers of taxation by District Boards. 29.

Question *re* rules under section 17 of the United Provinces District Boards Primary Education Act, 1926. 29.

Question *re* number of Muslim boys in board's mixed schools. 30.

Question *re* Town Hall, Orai. 30.

Question *re* graduates of King George's Medical College, Lucknow. 30.

Question *re* Muslim honorary magistrates in Jalaun district. 31.

MANJIT SINGH RATHOR, THAKUR—

Question *re* Baldi water project, Dehra Dun. 12.

MUKANDI LAL, MR—

Question *re* leopard near Rudra Prayag. 202.

Question *re* cattle killed by wild animals. 203.

QUESTIONS AND ANSWERS—*concl'd.*

MUKANDI LAL, MR.—*concl'd.*

- Question *re* revision of shooting rules. 203.
- Question *re* cart-road in Garhwal. 203.
- Question *re* rinderpest in Garhwal. 203.
- Question *re* communal forests in Kumaun. 204.
- Question *re* recommendation of Nayak Reform Committee. 204.
- Question *re* removal of Kumaun from the list of scheduled districts. 204.

NANAK CHAND, PANDIT—

- Question *re* village panchayats. 336.
- Question *re* separation of executive and judicial functions. 337.
- Question *re* divisional commissioners. 338.
- Question *re* consolidation of agricultural holdings. 338.
- Question *re* grants to Hindu University, Benares. 339.
- Question *re* report of the Education Code Revision Committee. 339.
- Question *re* rules for granting aid to hakims and vaid's. 339.
- Question *re* training for dais. 339.
- Question *re* Government's action on Legislation proposed by the Naik Reform Committee. 340.
- Question *re* training of veterinary officers. 340.
- Question *re* Government's action on resolution *re* introduction of physical training. 340.
- Question *re* corrupt practices amongst Government servants. 341.

NEMI SARAN, LALA—

- Question *re* Chandpur-Najibabad Railway line. 184.
- Question *re* Council elections. 184.
- Question *re* speech delivered by the Principal, Thomason College, Roorkee. 187.
- Question *re* Land Revenue (Amendment) Bill. 188.
- Question *re* free and compulsory primary education. 188.
- Question *re* educational rules under District Board Act. 188.
- Question *re* Jail Manual. 188.
- Question *re* separation of judicial and executive functions. 190.
- Question *re* abolition of commissionerships. 191.
- Question *re* recording of *Sir*. 207.
- Question *re* revised settlement rules. 208.

RAM CHARANA, BABU—

Question *re* depressed classes. 334.

## R

RAGHURAJ SINGH, RAJA—

Sworn in. 1.

Resolution *re* female wards in public hospitals. 103-107, 109.

RAHAS BIHARI TIWARI, PANDIT—

Sworn in. 1.

RAJENDRA SINGH, THE HON'BLE THAKUR—

Sworn in. 1.

Resolution *re* prohibition. 129-130.

RAJESHWAR BALI, THE HON'BLE RAI—

Sworn in. 1.

Election of President. 7-8.

Resolution *re* physical training. 66.

Resolution *re* Amendment of district board education rules. 90-91, 106.

Resolution *re* female wards in public hospitals. 108-109.

Resolution *re* a notification in the Education department. 154—156, 166.

Resolution *re* improvement of rural areas. 311—313.

RAM CHARANA, BABU—

Sworn in. 1.

And *see* "Questions and Answers."

RANJIT SINGH, MAJOR, D. R.—

King Edward VII Memorial Sanatorium Trust Committee. 146, 173.

## RESOLUTIONS—

Resolution *re* physical training (adopted). 34—68.

Resolution *re* amendment of district board education rules (adopted). 85—106.

Resolution *re* female wards in public hospitals (adopted). 106—109.

Resolution *re* prohibition (adopted). 109—143.

Resolution *re* a notification in the Education department (adopted). 148—173.

Resolution *re* re-introduction of the United Provinces Land Revenue (Amendment) Bill—Settlement (withdrawn). 174, 181.

Resolution *re* *kans* grass in Bundelkhand (adopted). 174—181.

Resolution *re* the abolition of commissionerships (adopted). 209—229.

**RESOLUTION—*concl'd.***

Resolution *re* grant for the Benares Hindu University (adopted).  
229—252.

Resolution *re* prohibition (second) (not moved). 252.

Resolution *re* grants to Sanskrit and Hindi Pathshalas (with-  
drawn). 252.

**REVENUE CASES—**

Question *re* disposal of —. 16.

Question *re* rate of disposal of — in Jhansi. 200.

**RINDERPEST—**

Question *re* — in Garhwal. 203.

**ROHILKHAND AND KUMAUN RAILWAY.—**

Election to local advisory committee of. 83, 106.

**RULINGS—**

Ruling *re* the form of replies to questions. 208-209.

**S**

**SADHO SINGH, THAKUR—**

Sworn in. 2.

Resolution *re* ~~kans~~ grass in Bundelkhand. 179.

**SAIYID MUHAMMAD, KHAN BAHADUR, SHAIKH —**

Sworn in. 1.

Excise advisory board. 278, 322.

**SAMPURNANAND, BABU —**

Sworn in. 2.

Resolution *re* physical training. 49—53.

Board of Public Health. 147, 173.

**SANKATA PRASAD BAJPAI, RAI BAHADUR, PANDIT**

Sworn in. 1.

Motion for adjournment. 386-387.

**SARDAR SINGH, RAO SAHIB, KUNWAR—**

Sworn in. 2.

**SCHOOLS—**

Question *re* district board and Government. 265.

Questions *re* medical inspection of —. 21.

**SCOUT CRAFT AND PHYSICAL TRAINING—**

Question *re* encouragement of — in schools. 28

**SETTLEMENT RULES—**

Question *re* revised —. 203.

**SHAFAT AHMAD KHAN, DR.—**

Sworn in. 1.

Resolution *re* prohibition. 113—115.

**SHAFAT AHMAD KHAN, DR.—**

Resolution *re* a notification in the Education department. 159—  
161.

King Edward VII Memorial Sanatorium Trust Committee. 146  
173.

Resolution *re* grant for the Benares Hindu University. 236—  
239.

Committee on Public Accounts, eleventh report. 361-362.

**SHAMBHU DAYAL, RAJA—**

Sworn in. 1

Election of President. 4.

Resolution *re* physical training. 38--40.

Resolution *re* amendment of district board education rules. 100.

**SHAMBHU NATH, BABU—**

King Edward VII Memorial Sanatorium Trust Committee. 146,  
173.

**SHIVA SHANKAR SINGH, THAKUR—**

Sworn in. 1.

Board of Public Health. 147,173.

Resolution *re* grants to Sanskrit and Hindi Pathshalas withdrawn.  
252.

**SHOOTING RULES—**

Question *re* revision of the——. 203.

**SHRI SADAYATAN, PANDE, PANDIT—**

Sworn in. 1.

Irrigation Board. 147,173.

**SHYAM LAL, BABU—**

Sworn in. 1.

Irrigation Board. 147,173

Resolution *re* improvement in rural areas. 286-287.

**SHYAM SUNDAR LAL, RAI BAHADUR, LALA—**

Sworn in. 2.

**SIR—**

Question *re* the recording of——. 207.

**SITA RAM, RAI BAHADUR, LALA—**

Oath of office. 1.

Chairman appointed under rule 3 (2) of the Legislative Council  
Rules. 2.

Elected President. 2.

**SOUFER, MR. E. M —**

Sworn in. 1.

**SRI KRISHNA DUTT DUBE, RAJA—**

Sworn in. 1.

Bengal and North-Western Railway Advisory Committee. 84, 106.

**SRIVASTAVA, Mr. J. P.—**

Sworn in. 2.

**STATE MEDICAL FACULTY—**

Question *re* ——. 22.

**STATE SCHOLARSHIPS—**

Question *re* ——. 274.

**SUB-DEPUTY INSPECTORS OF SCHOOLS—**

Question *re* pay and allowances of ——. 202.

**SUB-INSPECTORS—**

Question *re* pay and allowances of ——. 202.

**SUBORDINATE JUDICIAL SERVICE—**

Question *re* ——. 194.

**SUPERVISOR QANUNGOES—**

Question *re* ——. 201, 202.

**SUPPLEMENTARY ESTIMATES—**

Discussion of ——. 366—375.

**SURENDRA PRATAP SAHI, KUNWAR—**

Sworn in. 1.

**T**

**TATE, COLONEL G.—**

Sworn in. 1.

Resolution *re* improvement of rural areas. 300-301.

**TEACHERS—**

Question *re* foreign certificates held by ——. 195.

**THOMASON ENGINEERING COLLEGE—**

Question *re* speech by Principal of the ——. 187.

**TILLARD, Mr. P. H.—**

Sworn in. 12.

**TOWN AREAS—**

Question *re* new ——. 196.

**TUFAIL AHMAD, SAIYID—**

Sworn in. 1.

Resolution *re* improvement of rural areas. 285-286.

## U

UDAIBIR SINGH, RAO—

Sworn in. 1.

UMA SHANKAR, BABU—

Sworn in. 2.

Resolution *re* abolition of commissionerships. 209—211, 226-227.

Excise advisory board. 278, 322.

UNITED PROVINCES DISTRICT BOARDS (AMENDMENT) ACT, 1926—

Announcement of assent of the Governor General to —. 32.

UNITED PROVINCES LAND REVENUE (SIR AMENDMENT) ACT, 1926—

Announcement of assent of the Governor General to—. 32.

UNITED PROVINCES LEGISLATIVE COUNCIL SALARY OF PRESIDENT ACT, 1926—

Announcement of assent of the Governor General to—. 32.

UNITED PROVINCES MUNICIPALITIES ACT, 1916—

Question *re* amendment of the— —. 264.

UNITED PROVINCES MUNICIPALITIES (AMENDMENT) ACT, 1926—

Announcement of assent of the Governor General to—. 32.

UNITED PROVINCES LAND REVENUE (AMENDMENT) BILL—

Question *re* the —. 188, 277.

## V

VENKATESH NARAYAN TIWARI, PANDIT—

Sworn in. 2.

East Indian Railway Advisory Committee. 83, 106.

VERNACULAR LITERATURE—

Question *re* utilization of grant for—. 16.

VERNACULAR TRANSLATION BUREAU—

Question *re*—. 277.

VETERINARY OFFICERS—

Question *re* training of—. 340.

VIJAI PAL SINGH, CHAUDHRI—

Sworn in. 2.

VIKRAMAJIT SINGH, RAI BAHADUR, BABU—

Sworn in. 2.

Appointed a chairman. 33.

Resolution *re* physical training. 46-48.



**26 INDEX TO THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL.**

**VIKRAMAJIT SINGH, RAI BAHADUR, BABU—*consold.***

Resolution *re* amendment of district board education rules. 95—  
97.

Resolution *re* prohibition. 126—128.

Board of Industries. 146, 173.

Resolution *re* improvement of rural areas. 298—300.

**W**

**WAJID HUSAIN, KHAN BAHADUR, CHAUDHRI—**

Sworn in. 1.

Resolution *re* improvement of rural areas. 301—303.

**WAQFS—**

Question *re* court-fees on accounts and statements relating to—  
22.

**WILD ANIMALS—**

Question *re* cattle killed by ———203.

**Y**

**YORKE, MR. R. L.—**

Sworn in. 1.

**Z**

**ZAHUR AHMAD, MR.—**

Sworn in. 1.

Resolution *re* prohibition. 128-129.

Board of Public Health. 147, 173.

**ZAHUR-UD-DIN, MAULVI—**

Sworn in. 2.

Primary education advisory committee. 278-279.

**ZIA-UL-HAQ, KHAN BAHADUR, SHAIKH—**

Sworn in. 1.

# LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

*Monday, January 10, 1927.*

THE Council met in the Council Chamber, Lucknow, at 11 a.m. Rai Bahadur Lala Sita Ram took the oath of allegiance and his seat as Chairman of the meeting appointed by His Excellency the Governor under rule 3 (2) of the United Provinces Legislative Council Rules.

The rest of the members present (one hundred and twelve in number) then made the oath or affirmation of allegiance to the Crown prescribed by rule 22 of the Rules for the Election and Nomination of Members to the Legislative Council of the United Provinces of Agra and Oudh :—

## *List of members sworn in.*

|  |   |
|--|---|
| The Hon'ble Sir Saml O'Donnell.                    | Sirdar Nihal Singh.                       |
| The Hon'ble Lieut. Nawab Muhammad Ahmad S'id Khan. | Thakur Bikram Singh.                      |
| Mr. G. B. Lambert                                  | Raja Sir Saiyid Abu Jafar.                |
| Sir Ivo Elliott.                                   | Shaikh Abdullah.                          |
| Mr. A. W. McNair.                                  | Thakur Pratap Bhan Singh.                 |
| Mr. E. L. Norton.                                  | Pandit Shri Sadayatan Pande.              |
| Mr. R. L. Yorke.                                   | Mr. Zahur Ahmad.                          |
| Mr. E. A. H. Blunt.                                | Rai Bahadur Thakur Hanuman Singh.         |
| Colonel G. Tate                                    | Thakur Hukum Singh.                       |
| Mr. P. F. R. Channer.                              | Raja Kushal Pal Singh.                    |
| The Hon'ble Rai Rajeshwar Bah.                     | Maharaj Kumar Major Mahijit Singh.        |
| The Hon'ble Nawab Muhammad Yusuf.                  | Rai Bahadur Pandit Sankata Prasad Bajpai. |
| The Hon'ble Thakur Rajendra Singh.                 | Kunwar Bisheshwar Dayal Seth.             |
| Mr. H. A. Lane.                                    | Mr. C. Y. Chintamani.                     |
| Mr. R. J. S. Dodd.                                 | Khan Bahadur Shah Badre Alam.             |
| Mr. E. M. Souter.                                  | Babu Mahendra Deva Varma alias Lalji.     |
| Pandit Nanak Chind                                 | Rao Udaibir Singh.                        |
| Raja Indrajit Pratap Bahadur Sahi.                 | Babu Ram Charana.                         |
| Raja Saiyid Ahmad Ali Khan Alvi.                   | Pandit Brijnandan Prasad Misra.           |
| Maulvi Saiyid Habib-ullah.                         | Pandit Rahas Bihari Tiwari.               |
| Raja Raghuraj Singh.                               | Babu Kishori Prasad.                      |
| Raja Sri Krishna Dutt Dube.                        | Kunwar Surendra Pratap Sahi.              |
| Raja Bahadur Biswanath Saran Singh.                | Khan Bahadur Saiyid Jafar Husain.         |
| Babu Shyam Lal.                                    | Khan Bahadur Maulvi Fasih-ud-din.         |
| Rai Bahadur Babu Abhinandan Prasad.                | Raja Shambhu Dayal.                       |
| Mr. St. George H. S. Jackson.                      | Thakur Shiva Shankar Singh.               |
| Rai Bahadur Babu Mohan Lal.                        | Raja Jagannath Baksh Singh.               |
| Rai Bahadur Chaudhri Jagannath Prasad              | Shaikh Muhammad Habib-ullah.              |
| Khan Bahadur Chaudhri Wajid Husain.                | Babu Ganga Prasad Roy                     |
| Khan Bahadur Hafiz Hidayat Husain.                 | Saiyid Tufail Ahmad.                      |
| Lieutenant Raja Durga Narayan Singh.               | Rai Bahadur Pandit Kharagjit Misra.       |
| Khan Bahadur Shaikh Saiyid Muhammad.               | Mr. E. Ahmad Shah.                        |
| Lieut. Raja Kali Charan Misra.                     | Dr. Shala'at Ahmad Khan.                  |
| Lieut. Nawab Muhammad Jamshed Ali Khan.            | Khan Bahadur Shaikh Zia-ul-Haq.           |
|  | Babu Nemi Saran                           |
|  | Pandit Bhagwat Narayan Bhargava.          |

Mr. J. P. Srivastava.  
 Mr. Mukundi Lal.  
 Chaudhri Mangat Singh.  
 Khawaja Khalid Ahmad Shah.  
 Pandit Datta Prasad.  
 Rai Sahib Lala Jagdish Prasad.  
 Babu Uma Shaunkar.  
 Rai Bahadur Lala Mathura Prasad  
 Mehrotra.  
 Chaudhri Badan Singh.  
 Maulvi Zahur-ud-din.  
 Babu Bhagwati Sahai Bedar.  
 Rai Bahadur Lala Shyam Sundar Lal.  
 Rai Bahadur Lala Bihari Lal.  
 Rao Sanb Kunwar Sardar Singh.  
 Rai Bahadur Babu Vikramaji Singh.  
 Bhaya Hanumat Prasad Singh.  
 Haji Abdul Qayum.  
 Thakur Manjit Singh Rathor.  
 Thakur Har Prasad Singh.  
 Mr. Anandi Prasad Dubey.  
 Thakur Sadho Singh.  
 Babu Ganesh Shankar Vidyarthi

Babu Sampurnanand.  
 Mr. Muhammad Ibrahim.  
 Babu Prag Narayan.  
 Khan Bahadur Mr. Muhammad Ismail.  
 Chaudhri Niamatullah.  
 Kunwar Jagdish Prasad.  
 Thakur Manak Singh.  
 Shaikh Muhammad Habib.  
 Lieut. Khan Bahadur Nawabzada Abdus  
 Sami Khan.  
 Chaudhri Vijai Pal Singh.  
 Rai Bahadur Munshi Amba Prasad.  
 Khun Bahadur Hakim Mahbub Ali Khan.  
 Maulvi Muhammad Obaid-ur-Rahman  
 Khan.  
 Mr. Muhammad Abdul Bari.  
 Nawabzada Muhammad Liqat Ali Khan.  
 Pandit Iqbal Narayan Gurtu.  
 Pandit Badri Dutt Pande.  
 Pandit Govind Ballabh Pant.  
 Pandit Venkatesh Narayan Tiwari.  
 Shaikh Ghulam Husain.

After all the members present had been sworn in, the Hon'ble the Chairman addressed the Council:—

**The Hon'ble the Chairman :** As Chairman appointed by the Governor under rule 3(2) I have to read out to the Council the names of the members duly nominated for presidentship under rule 5A (3), as also the names of the proposers and seconders. The only name proposed for the presidentship is that of Rai Bahadur Lala Sita Ram. The proposers and seconders are Khan Bahadur Hafiz Hidayat Husain and Rai Bahadur Babu Vikramajit Singh, Mr. Prag Narayan and Rai Bahadur Munshi Amba Prasad, Mr. J. P. Srivastava and Mr. Souter, Mr. C. Y. Chintamani and Rai Bahadur Thakur Hanuman Singh. As there is only one name proposed for the office of the President, I declare Rai Bahadur Lala Sita Ram duly elected. The name will be submitted to His Excellency the Governor for approval.

Meanwhile I may draw the attention of the honourable members to the notice on their table regretting that the Manual of Business and Procedure in the United Provinces Legislative Council has not yet been finally printed. It will be delivered to the honourable members as soon as it is printed. The honourable members will find an extract from the Manual on their table showing rules and standing orders about questions and resolutions. This will meet their requirements for the next meeting of the Council.

### CONGRATULATORY SPEECHES ON THE ELECTION OF RAI BAHADUR LALA SITA RAM.

**The Hon'ble Sir Sam O'Donnell :** I have to announce to the Council the approval of His Excellency the Governor to your election to the post of President. In doing so, I desire to offer you on my own behalf my most hearty congratulations. Your election by the unanimous vote of the Council is a recognition, a well deserved recognition, of the manner in which you discharged the duties of the post of President in the last Council.

The post of President, Sir, is one which makes severe and exacting demands upon its occupant. It is not enough that he should be acquainted with the rules and procedure and well versed in Parliamentary precedents. He must have many other qualifications. He should have tact, firmness, patience, courtesy, the capacity to form rapid and sound decisions and impartiality. You have shown, Sir, that you have all these qualities. You have worthily upheld the traditions set by your predecessor. You presided over the deliberations of the last Council with conspicuous ability and complete impartiality. The choice which the Council has made to-day is one which will commend itself to every section of public opinion in these provinces.

**Mr Mukandi Lal :** When on August 19, 1925, you were elected, Sir, to the Chair, I had the honour of being the first non-official member to offer you congratulations, and I deem it an extreme pleasure that I have again the opportunity of extending to you, on behalf of the non-official members as well as on behalf of the Swarajist party, our heartiest congratulations. The qualities that were required of the President and which have been described by the leader of the House have been fulfilled by you with such an amount of satisfaction that none of us ventured to contest the seat. You know, Sir, that in other sister provinces your comrades in the Chair have not only been unseated from their constituencies, but they have also been unseated from their chairs. This singular distinction belongs to you that none contested your seat in your constituency and none contested your seat in the Chair. The way in which you treated us reminded us of the rod of the school master, but that rod was used impartially both on the non-official and official members. I have been a victim to the rod just as much as the Finance Member. Immediately after Mr. Keane you occupied the Chair, and it was not an easy job to carry out the duties with such distinctions after such a distinguished predecessor. So far as I could ascertain from the press reports, Mr. Keane occupied the highest position as a Chairman of the Legislative Council. You have a greater disadvantage in view of the fact that you were the first non-official member to occupy the Chair which involved great responsibility. You have discharged your duties with honour and distinction. The honour is due to you much more because in your time two most important pieces of legislation were placed before the Council—one the Agra Tenancy Bill and the second the Land Revenue Bill. The one was passed, but the other was not. The Land Revenue Bill would also have been passed but for the vagaries of the Council. It is not an easy job for the Chairman to get through and pilot two measures of such importance.

You occupied the Chair which traditionally belongs to the mother of Parliaments. There was a time in the mother of Parliaments that when the speaker gave up his office, he had the privilege of taking the Chair with him. Unfortunately for you, you have not the privilege of taking away the Chair with you. Again, you have the honour in India that is given to the speaker of the House of Commons. He is given free residence at Westminster; you have also been given free residence by the pleasure of the House when you care to be in Naini Tal or Lucknow. There is another privilege given to the speaker of the House of Commons. He is given £100 for stationery and £1,000 for equipment. I hope the

[Mr. Mukandi Lal.]

Council would be generous enough to give this privilege to you. There are other privileges given to the speaker in England, and by one of them he can send members into custody. Speaker Onslow who held the office for 34 years sent one member into custody for pressing on him in Westminster Hall. I hope that you will not exercise that privilege, otherwise many of us might be one day sent into custody. I warn you to be careful because there have been cases where one speaker Mr. Floyd was fined £1,000 by the House of Commons, was made to stand in the pillory twice and to ride on a horse with his face backwards and the tail of the horse in his hand because he happened to pass remarks offensive to the King's daughter and her husband.

**Raja Shambhu Dayal :** —

جناب پرسیڈنٹ صاحب —

میں جناب کا بہت پُرانا ساتھی ہوں — حضور یہہ خیال فرما سکتے ہیں کہ جتنی سچی خوشی آپ کے پرسیڈنٹ ہونے سے مجھے کو ہوئی ہے وہ شاید کسی دوسرے کو نہ ہوئی ہوگی (ایک آواز اور بڑی پُرانی ساتھی ہیں) مجھے کو ساتھی دینے کی وجہ سے نہیں بلکہ اس وجہ سے کہ بہت سے صاحبان ایسے ہوسکتے تھے کہ جو اس جگہ کے اُمیدوار ہوتے لیکن حضور بجاتے ہیں کہ میرا خیال اس طرف جا رہا نہیں سکتا تھا کیونکہ میں انگریزی زبان نہیں جانتا — دوسری وجہ مجھے کو خاص خوشی ہونے کی یہہ ہے کہ آپ نے پچھلی کونسل میں میری معروضات پر کچھ نہ کچھ لحاظ فرمایا اور کم از کم اتنا موقع دیدیا کہ جو شخص اپنی مادری زبان میں تقریر کرے اُس کو بھی پروسیدنگز (Proceedings) میں چھاپنے کی تہنیت ملے — میں اُمید کرتا ہوں کہ اب میرا یہہ آخری موقع ہے اس کے بعد غالباً پھر کونسل میں نہ آؤنگا تو میرے اس زمانہ میں کم از کم اتنا موقع تو آپ ضرور ہی دے دینگے کہ جتنے کاغذات چھپتے ہیں وہ اُردو میں بھی چھپا کریں تاکہ جو لوگ کہ صرف اپنی مادری زبان ہی جانتے ہیں اُن کو بھی انگریزی داں اصحاب کی طرح کچھ نہ کچھ موقع اپنے ملک کی خدمت کا ملتا رہے — یہہ میری درخواست بیجا نہیں ہے اور میں اُمید کرتا ہوں کہ اس کونسل کے بعد ہم کو یہہ موقع بھی ملیگا اور ہم دیکھینگے کہ جتنی قدر انگریزی والوں کی ہے اتنی اُردو والوں کی بھی جس سے وہ اور زیادہ تعداد میں آویں گے اور سچی سے سچی خدمت اپنے ملک کی کرسکیں گے \*

**Khan Bahadur Hafiz Hidayat Husain :** I rise to offer you my congratulations on your re-election as well as to pay my tribute to the worthy manner in which you performed your duties during the first term of your exalted office. It has been, this time, my proud privilege to propose you for the Chair. I am proud that I have been seconded by such a distinguished galaxy of honourable members. The old Council was adjourned on August 10, 1926. Little did we anticipate then that the Council will not meet again, and therefore the appropriate finish to the impending dissolution according to the old custom, was not employed. I now take this opportunity to congratulate your constituency, on behalf of the province, for having created in these

provinces the Parliamentary tradition of returning you to the Council unopposed and we congratulate ourselves for returning you unopposed to the Chair. You have by your strict impartiality, correct judgement, courage and ability occupied this Chair with signal success. When you succeeded Mr. Michael Keane, some of us felt that there may be occasions when we might be led to miss the absence from our midst of that master of Parliamentary procedure. But all those apprehensions gave place to congratulations on the choice made and to-day we congratulate ourselves again for electing you once more. Your success proves that an Indian of ability, given the chance, can prove himself worthy of any high position which it might be in the gift of the State to confer, and if the past is an index of the future, we have no doubt in our minds that the traditions that have been formed for this House will be maintained and that you will be zealous as ever of the dignity and authority of the Chair, of the prestige and the privileges of this House. I, Sir, congratulate you again.

**Mr. C. Y. Chintamani :** On return to this scene of my old labours after an absence of nearly four years, nothing could be more agreeable to me than that my first words should be words of congratulation to yourself. You and I sat together on the floor of this House for about three years, and although we belonged to the same school of politics, it was owing to the illogicality of the constitution under which we work that you and I instead of sitting side by side had to face each other. And I recall those days with gratification for the vigorous support which you gave to the right cause in your eloquent speeches, and with gratitude for the valuable support which I (occupying as I did then a vulnerable position) got from you on more numerous occasions than I had to face opposition. At that time I had to look at you with fear as a critic and with hope as a friend. Now, again, I have to face you with fear and with hope. Sir, when you were proposed as President of the last Council I did not quite approve and welcome the proposal, as I thought that a man so young in years as you were and so active by habit should not allow himself to be promoted so prematurely to the bench from the bar, a profession which you were public spirited enough to discard many years ago. The manner in which you acquitted yourself in your new position was testified to by those who were then your colleagues, and subsequently, in accordance with the best Parliamentary traditions of that country to which we look for our guidance in all matters of constitutional development, you were returned to the Council unopposed, and you have this day been elected by one unanimous accord of heart and mind by all members without regard to difference of opinion.

Sitting as I do here, I should very much wish that you were here and not there. But I recognize, Sir, that in this country men age fast and the inclination too soon descends upon a man to exchange activity for dignity clothed with authority. It is a matter of great pleasure to us, your old comrades in public life, that you have acquitted yourself with signal distinction in the position in which you find yourself, and during the coming months we shall look up to you for gentleness when you have to correct our mistakes, and we are sure we shall never fail to find in you dignity and the exercise of authority in such a manner that it will always make itself felt without finding

[Mr. C. Y. Chintamani.]

any offensive expression. No one could wish you a kinder fortune than that, as in the last Council so in the present, you may prove yourself in every way a worthy successor of your distinguished predecessor, who acquired a just and high reputation for ability, for impartiality and for dignity.

**Khan Bahadur Maulvi Fasih-ud-din :** I beg to congratulate you—rather we congratulate ourselves—on your re-election as President of this august body, and this time without any opposition. I assure you with all the emphasis at my command that during the last period that you have been at the helm of affairs of this Council you have signalized yourself for your urbanity of manners, your marvellous independence, and your extraordinary grasp of Parliamentary rules and procedure. I can say without exaggeration that you are a source of pride not only to this Council, but to all our countrymen. We entertain the highest esteem, admiration—nay even love—for you. I know, Sir, that one has to undergo a very great ordeal when he finds himself in the position that praises after praises are being hurled at his face, and for that reason I do not wish to prolong my speech. I wish you God speed in your career, and I hope you will live many long, long years to be at the helm of the affairs of this Council to be our guide and our teacher.

**Raja Indrajit Pratap Bahadur Sahi :** Words fail us to express our feelings. We offer our most earnest thanks and congratulations to you for the acceptance of the responsibility of the Chair so ably and efficiently discharged at the last occasion. I must say that this Council, consisting of several groups and several views and opinions, has never had anything to say against the impartial and tactful way in which you handled your duties. We must congratulate ourselves for having a Chairman like you, and must say that other provinces must envy us on this account. We, the members, whatever our shade of opinion may be, all greatly appreciate the manner in which we have been courteously treated and so ably and tactfully handled. We therefore express our heartfelt congratulations. We wish that your political career in the Chair may be all the more successful in the future.

**Khawaja Khalil Ahmad Shah :**

جناب والا —

ابھی تک جو تقریریں ہوئی ہیں اُن میں جناب کا شکریہ اُن صاحبان کی طرف سے کیا گیا ہے جنہوں نے آپ کی ماتحتی میں ملک کی خدمات کی ہیں میں اُن ممبران کی طرف سے جن کو پہلا موقع آپ کے ساتھ کام کرنے کا ملیگا آپ کو مبارکباد پیش کرنا چاہتا ہوں — مگر میں یہ عرض کروں گا کہ اس وقت کہ جو میری مبارکباد ہے وہ ہمارے کسی تجربے کی بنا پر نہیں ہے نہ ہم کو کوئی ذاتیت اس کے متعلق ہے — ہائی کورٹ سے لیکر انارٹی مجسٹریٹ کے اجلاس تک یہ روزمرہ کا دستور اور رواج ہے کہ دو گواہوں کے بیان پر پھانسی اور سزا ہو جاتی ہے تو ایسے ایسے ممبران کا جو دس دس لاکھ اور بیس بیس لاکھ کے نمائندے ہو کر آئے ہیں اور قابل و باوقعت ہیں یقین نہ کرنا ایک

نادانی ہی نہیں بلکہ ایک بے وقوفی ہی اور میں بے وقوف بننا نہیں چاہتا اس لحاظ سے ان میمبران کا یقین کر کے میں اُن تمام میمبران کی طرف سے جو نئے تشریف لائے ہیں اور جنہوں نے مصلحتاً خاموشی اختیار کی ہی جناب کا شکریہ ادا کرتا ہوں۔ ایک بات خصوصیت سے عرض کرونگا کہ جس طرح کہ ہمارے راجہ صاحب نے فرمایا کہ اردو زبان میں سہولتیں بہم پہنچائی جاویں تو میں یہ عرض کرونگا کہ اب گورنمنٹ نے ہم کو قاعدے کی رو سے یہ اختیار دیا ہی کہ جیسے انارڈی مجسٹریٹ جو کہ صرف دستخط کر سکتے ہیں ہماری گورنمنٹ کے قانون کی رو سے مقرر ہو کر جس طرح چاہیں حکومت کریں اُسی طریقہ سے ہم معمولی راء دہندہ بھی دستخط کر کے اس کونسل میں آسکتے ہیں اور پریسڈنٹ یا منسٹر (Minister) ہو سکتے ہیں بشرطیکہ ووٹ مل جائیں یا گورنر صاحب مہربانی کریں۔ کونسل کی میمبری میں یہ شرط نہیں ہی کہ انگریزی جانتا ہو اس لیے اردو میں سہولتیں بہم پہنچانا ضروری ہی۔ جیسا کہ ایک صاحب نے فرمایا ہی کہ صدر صاحب کے ”برٹو“ نے اسکول ماسٹر کا قندآ یاد دلایا“ تو میں اپنے نئے ماسٹر صاحب سے عرض کرنے پر مجبور ہوں کہ ایک اسکول ماسٹر کا یہ بھی فرض ہی کہ وہ اپنے تمام شاگردوں کو خواہ وہ لائق ہوں یا نالائق ایک ہی کشتی پر سوار دیکھے کیونکہ اگر شاگرد نالائق ہونگے تو اُن کی نالائقی میں حصہ لینا ماسٹر کا بھی فرض ضروری ہوگا۔ میں تمام نئے میمبران کی طرف سے عرض کرونگا کہ ہم لوگ بالکل نئے ہیں جب میں پہلے آیا تو میں حیران تھا کہ کس طرف جانا چاہیئے میں آپ سب صاحبان کا اور خصوصاً اُس چپراسی کا شکریہ ادا کرتا ہوں کہ جس نے مجھے کونسل ہال بتلایا کیونکہ جو صاحب میرے ساتھ تھے وہ پُرانے سوراخ پارٹی والے میمبروں سے ملنے لگ گئے تھے اور مجھے کو اسی وجہ سے دیر بھی نہ لگی۔ آج ہم لوگوں کی حالت ہی۔ ہم لوگ بالکل نئے لڑکوں کی طرح ہیں میں جناب سے یہ عرض کرونگا کہ قانون کی سختی ضرور کی جائے مگر اس قدر نہ کہی جائے کہ ہماری ہمتیں پست ہو جائیں بلکہ پُرانے اور نئے میمبران میں فرق سمجھ کر داعہ بہتا جاوے۔ اگر ہم سے غلطیاں ہوں تو وہ غلطیاں درست کر دی جاویں۔ ہم چاہتے ہیں کہ ہم کو موقع دیا جائے کہ ہم بھی تھوڑی بہت خدمت کرسکیں۔ میں اُمید کرتا ہوں کہ جس قدر نئے میمبر صاحبان تشریف لائے ہیں وہ میری اس راء سے اتفاق کریں گے اور میں اخیر میں جناب کی خدمت میں تہ دل سے مبارکباد کا ہدیہ پیش کرتا ہوں \*

**The Hon'ble Rai Rajeshwar Bali :** I wish to associate myself with every word that has been said by my friends who have spoken. It must be very awkward for you, as it is for us, to praise you in your face. But we do so because we consider that whatever we have to say, whatever expression we give of the appreciation of your work, is not meant so much for your ears as for those of others. When your illustrious predecessor vacated his office, he left a blank which we all felt it would be very difficult to fill. Therefore, from the very beginning you were labouring under a great disadvantage. But the manner in which you



[Hon'ble Rai Rajeshwar Bali.]

have discharged your difficult and onerous duties has made us feel proud that whenever Indians are entrusted with high responsibilities they can discharge them to the satisfaction of everybody concerned. There have been various occasions on which many of us had to regret your absence from the non-official benches. But our great consolation has always been that the position which you occupy is also one which in an indirect manner tends to advance the cause of our people. Those of us who had occasion to see how you piloted us through many hundreds of amendments to the Agra Tenancy Bill will be able to say that, but for the exceptional ability with which you conducted the proceedings of this House, it would not have been possible to get that Bill through. Therefore, while most of us feel your absence from the floor of this House, we all feel gratified that it is indirectly to the advancement of the Indian cause. I am glad that the House has again renewed its confidence in you, and it is my earnest prayer that you will continue to discharge your responsible and difficult duties with the same ability, tact and impartiality as you have done so far.

**Pandit Govind Ballabh Pant :** I offer you hearty congratulations on your re-election to the eminent office of President of this august assembly. The Chair is the emblem of Parliamentary government. It represents all that is best in a responsible and regulated system of freedom. In your keeping are the dignity of this House and our privileges, prerogatives and rights. It is not necessary for me in the face of your unanimous re-election and of the speeches that have been delivered by so many speakers before me to refer to the excellent manner in which you conducted the deliberations of this House for a period of eighteen months. Everybody will admit that the chorus of praise with which you were greeted when you were inducted into the Chair by your able predecessor, Mr. Michael Keane, has been more than justified by you during the term of your office. You have filled this Chair with distinction. For us it means the solution of a problem at least partially, for while everything else may change of a constitution, there could be no system of representative government in which the Chair would materially differ from what it is today. The constitution of this House may change, the grouping may alter, the number of members may increase, our powers may be enhanced—I do not see that there are worse contingencies in store, I hope we will grow into our own—but while there may be changes in all other directions, so far as the Chair is concerned, it will continue to occupy the place which it does today. It is the essential part of every responsible legislative body. So when an elected Indian President has earned the reputation of brilliant success from all quarters, it goes to demonstrate the fitness of Indians for the Parliamentary system of government. In that sense we are grateful to you and we are obliged. We hope your example will lead us on and serve to support our cause. You have conducted the deliberations in this House with marked ability, tact, dignity, grace and decorum. Firmness combined with your gentle humour has never made you look aggressive, and whenever there were knotty problems before you, you have simply smiled them away by gentle humorous remarks. It is that quality of ready wit and unfailing humour that has struck me more in the course of the last eighteen months than anything else.

That is a gifted man's possession. So far as the knowledge of Parliamentary procedure, of rules of business and of standing orders is concerned, that is perhaps the commonplace of every President, and you had all of them on your fingers' ends. But what very few possess and possess rarely is the human touch, and that you brought to bear amply upon your every day dealings. I hope and trust that this House will be able to maintain its reputation and even to enhance it. The implicit confidence which every one of us has in you has been demonstrated today by your unanimous election to the Chair. There could be no better proof of the complete satisfaction which your service as the President of this House has given to every member of this House during the last eighteen months. I have particular reasons, Sir, to be grateful to you. You have extended to me unfailing courtesy and indulgence, and I was perhaps the worst sinner in the last House to make inroads on your patience. So, for that I am particularly obliged to you. I have absolutely no doubt that during the next three years you will lead us on and your rulings will be as sound as they have always been, and you will lead us in such a manner that we will feel that while we are working under a disciplined general, yet our freedom has not been in any way meddled with.

I wish you, Sir, every success and I hope you will attain it fully and eminently.

**Khan Bahadur Mr. Muhammad Ismail :** Repetition is apt to become tedious, but I cannot resist the temptation of joining my honourable friends in expressing my most heart-felt satisfaction at your unopposed election. Election to the presidential chair is the highest honour at the disposal of this Council, and we have shown you that honour not in a spirit of partiality or favouritism, but because we were convinced that we could not get a better and more suitable member amongst us. I hope that you will live long and enjoy health to continue to be our President and to carry on the responsible and onerous duties of your office.

**The Hon'ble the President :** It is a source of pride to me to be the recipient of such kind sentiments expressed in such kind and complimentary language by so many of my colleagues. I see several of them still wanting to do me honour by speaking, but I am too full and too overwhelmed to stand that much longer. It is gratifying to me to learn that my conduct in the Chair in the past has met with the approval of my colleagues. The success, or whatever it may have been, must be put down to the ready co-operation and goodwill of my colleagues rather than to anything personal in me. Whatever success there may be in store for me in the future I hope it will be my lot, not because there is anything personal in me, but because I rely so fully and so unreservedly on the friendly co-operation and cheerful goodwill of each and every one of the members of this House. An honourable member has asked for gentleness and generosity from me. I ask these from honourable members. I hope you will excuse me if I cannot express myself at length. This is really a unique occasion in my life and I am highly grateful to you for the honour that you have done me and for the confidence that you have reposed in me. I only pray that you will treat my conduct in the Chair in future with the same indulgence with which members have done it in the past. From the members of the House I have

[Hon'ble the President.]

nothing more to ask for than their support and sympathy, and I am sure that these will not be denied to me. I thank you once again for the great honour and pray that by the time I have to lay down the reins of my office I may have the satisfaction of having discharged my duties with impartiality and having deserved your confidence and may not be pilloried as warned by Mr. Mukandi Lal.

I am grateful to my constituency for having returned me unopposed again to this House, and I am grateful to you also for having put me in this high and dry position again. I ask once more for indulgence and support at your hands.

The Council was then adjourned until January 24.

# LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

*Monday, January 24, 1927.*

The Council met in the Council Chamber, Lucknow, at 11 a.m.  
The Hon'ble Rai Bahadur Lala Sita Ram in the Chair.

PRESENT:

(107)

The Hon'ble Sir Sam. O'Donnell.  
The Hon'ble Lieut. Nawab Mahammad Ahmad Sa'id Khan.  
The Hon'ble Rai Rajashwar Bali.  
The Hon'ble Thakur Rajendra Singh.  
The Hon'ble Nawab Muhammad Yusuf.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Sir Ivo Elliott.  
Mr. P. H. Tillard.  
Mr. H. A. Lane.  
Mr. A. W. Pim.  
Mr. A. W. McNair.  
Khan Bahadur Chaudhri Wajid Husain.  
Mr. E. L. Norton.  
Mr. F. F. L. Channer.  
Mr. R. J. S. Dodd.  
Colonel G. Tate.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Raja Sir Saiyid Abu Jafar.  
Khan Bahadur Mr. Masud-ul-Hasan.  
Mr. E. Ahmad Shah.  
Babu Ram Charana.  
Babu Prag Narayan.  
Babu Ganesh Shankar Vidyarthi.  
Mr. A. P. Dube.  
Pandit Rahas Bihari Tiwari.  
Babu Sampurnanand.  
Rai Bahadur Lala Shyam Sundar Lal.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
Chaudhri Mangat Singh.  
Rai Sahib Lala Jagdish Prasad.  
Chaudhri Vijai Pal Singh.  
Pandit Nanak Chand.  
Thakur Manak Singh.  
Thakur Pratap Bhan Singh.  
Thakur Bikram Singh.  
Thakur Hukum Singh.  
Raja Kushal Pal Singh.  
Rai Bahadur Pandit Kharagjit Misra.  
Rao Krishna Pal Singh.  
Lieut. Raja Kali Charan Misra.  
Lala Nemi Suran.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Pandit Brijnandan Prasad Misra.

Pandit Bhagwat Narayan Bhargava.  
Rao Udaibir Singh.  
Thakur Har Prasad Singh.  
Babu Kishori Prasad.  
Babu Shyam Lal.  
Babu Uma Shankar.  
Pandit Venkatesh Narayan Tiwari.  
Babu Kavendra Narayan Singh.  
Pandit Shri Sadayatan Pande.  
Raja Sri Krishna Dutt Dube.  
Thakur Shiva Shankar Singh.  
Rai Bahadur Thakur Hanuman Singh.  
Rai Bahadur Babu Abhinandan Prasad.  
Babu Ganga Prasad Roy.  
Pandit Govind Ballabh Pant.  
Pandit Badri Dutt Pande.  
Mr. Mukund Lal.  
Rai Bahadur Chaudhri Jagannath Prasad.  
Raja Bahadur Bishwanath Saran Singh.  
Rai Bahadur Babu Mohan Lal.  
Rai Bahadur Pandit Saunkata Prasad Bajpai.  
Raja Bhaguraj Singh.  
Maharaj Kumar Major Mahijit Singh.  
Kunwar Surendra Pratap Sahi.  
Mr. C. Y. Chintamani.  
Mr. Zahur Ahmad.  
Haji Abdul Qayum.  
Mr. Muhammad Abdul Bari.  
Maulvi Zahur-ud-din.  
Saiyid Tufail Ahmad.  
Khan Bahadur Shaikh Zia-ul-Haq.  
Lieut. Nawab Jamshed Ali Khan.  
Nawabzada Muhammad Liaqat Ali Khan.  
Hafiz Muhammad Ibrahim.  
Lieut. Khan Bahadur Nawabzada Abdus Sami Khan.  
Shaikh Abdullah.  
Khan Bahadur Hafiz Hidayat Husain.  
Maulvi Saiyid Habib-ullah.  
Khan Bahadur Shah Badre Alam.  
Shaikh Ghulam Husain.  
Dr. Shafa'at Ahmad Khan.  
Khan Bahadur Saiyid Jafar Husain.  
Khan Bahadur Shaikh Saiyid Muhammad alias Maiku Mian.  
Khan Bahadur Maulvi Muhammad Faslur-Rahman Khan.  
Khan Bahadur Hakim Mahbub Ali Khan.

Khan Bahadur Maulvi Fasih-ud-din.  
 Khawaja Khalil Ahmad Shah.  
 Shaikh Muhammad Habib-ullah.  
 Raja Saiyid Ahmad Ali Khan Alvi.  
 Mr. Muhammad Habib.  
 Mr. St. George H. S. Jackson.  
 Rai Bahadur Munshi Ambe Prasad.

Rai Bahadur Lala Bihari Lal.  
 Rai Bahadur Lala Mathura Prasad Mehrotra.  
 Raja Shambhu Dayal.  
 Raja Jagannath Bakhsh Singh.  
 Mr. E. M. Souter.  
 Rai Bahadur Babu Vikramajit Singh.  
 Pandit Iqbal Narayan Gurtu.

### MEMBERS SWORN.

Mr. A. H. Mackenzie.

Mr. P. H. Tillard.

Mr. G. Clarke

Khan Bahadur Maulvi Muhammad Fazl-ur-Rahman Khan.

Khan Bahadur Mr. Masud-ul-Hasan.

Babu Ravendra Narayan Singh.

Mr. A. W. Pim.

### QUESTIONS AND ANSWERS.

#### STARRED QUESTIONS.

#### BALDI WATER PROJECT, DEHRA DUN.

\* 1. **Thakur Manjit Singh Rathor** : Has it come to the knowledge of the Government (a) that the water of the new Baldi project of Dehra Dun municipality is very hard and (b) that the general public is very much dissatisfied on account of the unsatisfactory culinary properties of the Baldi water ?

**The Hon'ble Nawab Muhammad Yusuf** : Yes.

\* 2. **Thakur Manjit Singh Rathor** : What is the quantity *per capita* of drinking water available in Dehra city prior to the completion of the Baldi water project ?

**The Hon'ble Nawab Muhammad Yusuf** : The supply was 5.28 gallons a head daily. The Baldi project has increased the supply to ten gallons.

\* 3. **Thakur Manjit Singh Rathor** : (a) How much was the total amount of loan which the Government gave to the Dehra municipality for the purpose of the Baldi water scheme ?

(b) What is the amount of annual instalment which the board has to pay to repay the loan ?

(c) What amount has the municipal board to pay as interest for the loan annually ?

**The Hon'ble Nawab Muhammad Yusuf** : (a) One and a half lakhs.

(b) Rupees 12,871-8-0.

(c) The interest decreases with each payment of an annual instalment. For the year ending February, 1926 the interest was Rs. 10,500 and the principal Rs. 2,371-8-0.

\* 4. **Thakur Manjit Singh Rathor** : Will the Government be pleased to state the approximate estimate of recurring and non-recurring expenditure for the installation of a water softening plant to reduce the hardness of the Baldi water ?

**The Hon'ble Nawab Muhammad Yusuf** : Rupees 34,000 capital and Rs. 12,000 annually for the repayment of this capital, for interest and for maintenance charges.

**Thakur Manjit Singh Rathor** : Will the Government be pleased to consider the question of giving a grant to the Dehra Dun municipality for the water softening plant ?

**The Hon'ble Nawab Muhammad Yusuf** : The Government will be prepared to consider the question.

**Thakur Manjit Singh Rathor** : Is not the figure of Rs. 12,000 very low ?

**The Hon'ble the President** : That will be an argument.

\* 4A. **Thakur Manjit Singh Rathor** : Is it the intention of Government to write off the amount of interest due from Dehra Dun municipality for the Baldi project loan for the year 1927-28 ?

**The Hon'ble Nawab Muhammad Yusuf** : No.

\* 5. **Rai Sahib Lala Jagdish Prasad** : [*Postponed at the request of Government till the first day of the next meeting of the Council*]

#### FOREIGN LIQUOR.

\* 6. **Khan Bahadur Hafiz Hidayat Husain** : Has the licence fee on foreign liquor been enhanced as recommended by the Excise Conference of 1924-25 ? If so, what is the scale of enhancement ? If no enhancement has been made, why ?

**The Hon'ble Thakur Rajendra Singh** : The reply to the first part of the question is in the affirmative. The increase in the fee for off and on retail licences is one anna per bottle on spirit and two annas per bottle on wine.

**Babu Bhagwati Sahai Bedar** : Is not the Government in a position to collect such figures ?

**The Hon'ble the President** : How does this question arise out of this question ?

**Pandit Govind Ballabh Pant** : Has the Excise Conference recommended surcharge ?

**The Hon'ble Thakur Rajendra Singh** : As far as I remember it has.

**Pandit Nanak Chand** : The Hon'ble Minister's replies are not audible on this side of the House.

\* 7. **Khan Bahadur Hafiz Hidayat Husain** : What is the quantity and value of the import of foreign liquor into these provinces in 1923-24, 1924-25, and 1925-26 ? Will the Government be pleased to explain the causes of the increase ?

**The Hon'ble Thakur Rajendra Singh :** The honourable member presumably refers to overseas liquor. If so, Government regret that they have no figures which would enable them to give the honourable member the information which he requires.

**Pandit Iqbal Narayan Gurtu :** Will the Government kindly arrange to obtain these figures ?

**Thakur Manjit Singh Rathor :** Is not the consumption of foreign liquor increasing ?

**The Hon'ble the President :** That hardly arises out of the question on the paper.

**Pandit Iqbal Narayan Gurtu :** Could the Minister help the House in getting information ?

**The Hon'ble Thakur Rajendra Singh :** The figures are not available.

**Babu Bhagwati Sahai Bedar :** Is the Government helpless in collecting this information ?

**Pandit Iqbal Narayan Gurtu :** In what way is Government helpless ?  
(No answer.)

**Pandit Nanak Chand :** Is it not possible to arrange with the licensees to supply this information to the Government ?

**The Hon'ble Thakur Rajendra Singh :** The figures of sale are available.

**Pandit Iqbal Narayan Gurtu :** Is it a fact that certain liquors designated as foreign are manufactured in India ?

**The Hon'ble Thakur Rajendra Singh :** Yes.

**Mr. C. Y. Chintamani :** Is it in order for members other than the member answering the question to reply to supplementary questions ?

**The Hon'ble the President :** So far, I have heard only the Hon'ble Minister replying to the supplementary questions.

#### COPYISTS IN TAHSILS.

\* 8. **Khan Bahadur Hafiz Hidayat Husain :** Are the posts of copyists employed in tahsils pensionable ? If not, when do the Government propose to bring these posts into line with the copyists of the collectorates ?

**The Hon'ble Sir Sam O'Donnell :** (a) No.

(b) The question of making the post pensionable is under the consideration of the Government. They hope to decide it shortly.

#### PROVINCIAL SERVICE OFFICERS.

\* 9. **Khan Bahadur Hafiz Hidayat Husain :** How many judgeships have been listed as open to the Provincial Service officers in consequence of the acceptance of the Lee Commission report ? Do Government contemplate recruitment from the Bar to fill any of these posts ?

**The Hon'ble Sir Sam O'Donnell :** As eight of the thirty-one I. C. S. posts had already been listed before the Lee Commission sat, no further judicial posts have been listed. The additions since made have been on the executive side. Two of the judicial posts are open to members of the Bar. There is no present intention of appointing another practising lawyer.

**Mr. C. Y. Chintamani :** Will the Government state why there is no intention ?

**The Hon'ble Sir Sam O'Donnell :** Because, it would adversely affect the Provincial Service, and the Council itself has expressed an opinion adverse to it, as far as I can remember.

**Khan Bahadur Maulvi Fasih-ud-din :** Is it a fact that at one time two posts were reserved for legal practitioners some years back ?

**The Hon'ble Sir Sam O'Donnell :** There were two posts open to them, not reserved.

**Khan Bahadur Maulvi Fasih-ud din :** Are they open even now ?

**The Hon ble Sir Sam O'Donnell :** Yes, they are still open.

**Rai Bahadur Babu Vikramajit Singh :** Has the result of recruiting legal practitioners not been satisfactory ?

**The Hon'ble the President :** That is asking for an expression of opinion.

**Pandit Govind Ballabh Pant :** (Inaudible.)

**The Hon'ble Sir Sam O'Donnell :** I do not follow the question. The Lee Commission recommended that 20 per cent. of the posts should be listed and a scheme has been worked out for the gradual listing of that number. In the case of the Judicial Service more than 20 per cent. are already listed.

**Rai Bahadur Babu Vikramajit Singh :** Is there no present intention of increasing the number ?

**The Hon'ble Sir Sam O'Donnell :** They will gradually increase.

#### AGRICULTURAL SCHOOLS.

\* 10. **Khan Bahadur Hafiz Hidayat Husain :** How many agricultural schools are there in these provinces, and at what places ? Have the Government established any school after the agricultural school at Bulandshahr was opened ? If not, why ?

**The Hon'ble Thakur Rajendra Singh :** There is only one agricultural school in this province, viz., at Bulandshahr. The reply to the second part of the question is in the negative, but Government intend to open a second agricultural school in the eastern part of the province. As regards the third part of the question, Government were anxious to ascertain by experience the demand for such schools before opening new ones.

**Raja Jagannath Bakhsh Singh :** Has the Government decided to open this school ?



**The Hon'ble Thakur Rajendra Singh :** No, not yet.

**Mr. Mukandi Lal :** When was the school actually to be opened ?

(No answer.)

**Mr. C. Y. Chintamani :** Is not the demand for a school in the eastern districts rather an old one, and how long will Government have to wait before opening the school ?

**The Hon'ble Thakur Rajendra Singh :** I think the school will be opened next year.

**Mr. C. Y. Chintamani :** Is financial provision being made for that ?

**The Hon'ble Thakur Rajendra Singh :** We intend to.

**Raja Jagannath Bakhsh Singh :** Will the school be on the same lines ?

**The Hon'ble Thakur Rajendra Singh :** Yes.

#### AMALGAMATION OF DYEING AND TEXTILE SCHOOLS AT CAWNPORE.

\* 11. **Khan Bahadur Hafiz Hidayat Husain :** Have the Government considered the amalgamation of the Dyeing school and the Textile school at Cawnpore ? If so, with what result ?

What objections, if any, are there to the amalgamation of the two schools under one management ?

**The Hon'ble Thakur Rajendra Singh :** Yes ; Government accepted the advice of the advisory committee of both schools and of the Board of Industries, all of which were against amalgamation. Government found that amalgamation would not tend to efficiency, nor would it effect any large saving.

#### UTILIZATION OF GRANT FOR VERNACULAR LITERATURE.

\* 12. **Khan Bahadur Hafiz Hidayat Husain :** How has the sanctioned allotment of Rs. 25,000 for the growth of vernacular literature during the financial year 1926-27 been utilized ? How much for Hindi and how much for Urdu ? To which individual or societies has the money been given ? What amount and for what purpose ?

**The Hon'ble Rai Rajeshwar Bali :** The honourable member is referred to Government resolution No. 61-G., dated January 20, 1927. A copy of the resolution is placed on his table.

(See Appendix A, page 69).

#### DISPOSAL OF REVENUE CASES.

\* 13. **Khan Bahadur Hafiz Hidayat Husain :** Have the Government drawn the attention of Commissioners of divisions to quicker disposal of revenue cases by the subordinate revenue courts, as promised by the Hon'ble the Finance Member on January 20, 1926 ? Will the Government be pleased to lay on the table a copy of the instructions issued. What has been the result of the action taken by the Government ?

**The Hon'ble Sir Sam O'Donnell :** (1) Yes.

(2) A copy of the circular letter of instructions and of a correction slip to the Board's circular is placed on the honourable member's table.

(3) The issue of these instructions is too recent for any reliable estimate of the effect to be made.

(See Appendix B, page 72).

ACQUISITION OF A HOUSE FOR THE SUPERINTENDENT OF POLICE AT ORAI.

\* 14. **Khan Bahadur Hafiz Hidayat Husain** : (1) Have the Government acquired the house for the Superintendent of Police at Orai for which sanction of the Council was obtained by supplementary demand in April, 1926 ?

(2) Is it a fact that the house was not structurally fit to be acquired ?

(3) On whose report was the house recommended for acquisition ?

(4) Who examined it when the house was recommended for acquisition, and who examined it when it was rejected ?

(5) What period of time elapsed between these two examinations ?

(6) Have the Government expressed their disapproval to the officers recommending acquisition ?

**The Hon'ble Sir Sam O'Donnell** : (1) No.

(2) Yes.

(3) The Superintendent of Police, Jalaun.

(4) The house was recommended for acquisition on the report of the District Engineer, Jalaun, and was rejected on the examination of the Executive Engineer, Jhansi.

(5) Two years and five months.

(6) No.

**Khan Bahadur Hafiz Hidayat Husain** : Was it not stated that the house was a good bargain for the price demanded ? Why was it given up ?

**The Hon'ble Sir Sam O'Donnell** : I do not remember whether it was stated that it was a good bargain ; but I think that the officers were unduly optimistic regarding it.

**Mr. C. Y. Chintamani** : Why were two years and five months required for a fresh examination ?

**The Hon'ble Sir Sam O'Donnell** : I do not remember the exact details.

**Mr. C. Y. Chintamani** : Were Government put to any loss on account of this ?

**The Hon'ble Sir Sam O'Donnell** : Not so far as I am aware.

REGISTRAR AND DEPUTY REGISTRAR OF CO-OPERATIVE CREDIT SOCIETIES.

\* 15. **Khan Bahadur Hafiz Hidayat Husain** : Is it a fact that in 1921 the Secretary of State for India ordered the two posts of Registrar and Deputy Registrar of Co-operative Credit Societies in these provinces to be included among listed posts ?

Is the present Deputy Registrar of Co-operative Credit Societies, Mr. Zaka-ullah Khan occupying one of these posts ?

**The Hon'ble Sir Sam O'Donnell** : Yes. Subsequent orders, however, merged these two posts which were at first listed by name in the total of superior executive posts listed to the Provincial Service. So long, therefore, as six officers of the Provincial Service hold superior executive

posts, it is immaterial whether they hold the posts of Registrar and Deputy Registrar or not.

Mr. Zaka-ullah Khan is merely officiating in a post reserved for the Indian Civil Service exactly as deputy collectors, who have not been substantively appointed to listed posts, officiate as district magistrates from time to time.

\* 16. **Khan Bahadur Hafiz Hidayat Husain :** (a) Is it a fact that the Hon'ble Pandit Sham Bihari Misra took leave for three months last October ?

(b) Was Mr. Kharegat of the Indian Civil Service appointed to officiate for him ?

(c) Do Government intend to place the department under an Indian Civil Service officer ?

**The Hon'ble Sir Sam O'Donnell :** (a) Yes.

(b) Yes.

(c) There is at present no intention of altering the existing arrangement.

**Mr. C. Y. Chintamani :** What does the honourable member mean by "existing arrangement"—permanent arrangement or temporary arrangement ?

**The Hon'ble Sir Sam O'Donnell :** At present Mr. Kharegat is holding the post of Registrar, Co-operative Societies. At present there is no intention of putting anybody else.

**Mr. C. Y. Chintamani :** Is it the intention of the Government to confirm him in that post ?

**The Hon'ble Sir Sam O'Donnell :** I cannot say anything about that. All I can say is that he is at present holding the appointment and that there is no intention to put anybody else.

**Mr. C. Y. Chintamani :** Is dissatisfaction with the manner in which the Provincial Service officer who held the appointment did his duty the reason for the present arrangement ?

**The Hon'ble Sir Sam O'Donnell :** I am not prepared to express any opinion regarding the administration of the department by Provincial Service officers.

**Mr. C. Y. Chintamani :** May I know if the Co-operative department has been transferred to the Finance Member, and if that is the reason why he is unable to state the reasons for the present arrangement.

**The Hon'ble Sir Sam O'Donnell :** I merely answered this question because this covered a number of points some of which related directly to me, not because I have anything to do with the Registrar, Co-operative Societies.

**Mr. Mukandi Lal :** Will Government be pleased to note that the answer is not given clearly ? I would like to know what is the intention of the Government—whether the Government desire to have the post reserved for the Indian Civil Service, or whether it is their intention to keep it open to the Provincial Service.

**The Hon'ble Sir Sam O'Donnell :** I have already explained what the position is regarding the Provincial Service. There are a certain number of posts which are listed.

**Pandit Govind Ballabh Pant :** Will the Hon'ble Pandit Sham Bihari Misra revert as Registrar on the expiry of his leave?

**The Hon'ble Sir Sam O'Donnell :** No. It is intended that he should be magistrate and collector.

**Pandit Govind Ballabh Pant :** Was not any competent officer available in the Provincial Service to officiate for three months for Pandit Sham Bihari Misra?

**The Hon'ble Sir Sam O'Donnell :** I am not prepared to enter into the reasons why the Government make individual appointments. Particular officers have been selected for particular appointments on a particular occasion. There is nothing special in that.

**Pandit Govind Ballabh Pant :** Does the Government intend to adopt the policy of discouraging the appointment of Provincial Service officers as heads of departments?

**The Hon'ble Sir Sam O'Donnell :** This is altogether too general a question. There is no such intention.

**Mr. Mukandi Lal :** Was the question of appointing a member of the Provincial Service considered when Pandit Sham Bihari Misra proceeded on leave?

**The Hon'ble Sir Sam O'Donnell :** This appointment is borne on the cadre of the Indian Civil Service. There is nothing exceptional in the fact that an Indian Civil Service officer has been appointed to the post of Registrar. It was previously held by an officer of the Provincial Service and before that by an Indian Civil Service officer. Now it is held by an officer of the Indian Civil Service.

**Mr. C. Y. Chintamani :** If there is nothing exceptional in the present appointment of the Indian Civil Service officer as Registrar, Co-operative Societies, why was it then that the Government recommended to the Secretary of State that the posts of Registrar and Deputy Registrar be included among the listed posts, and why were those two posts for the last six years held by members of the Provincial Service?

**The Hon'ble Sir Sam O'Donnell :** It was recommended that these appointments should be listed as open to the Provincial Service. Since then the whole position has been altered. Now there are no appointments which are listed by name for Provincial Service officers. Therefore they have no special claim to any particular appointment. They have only a claim to a certain number of listed posts.

**Rai Bahadur Lala Mathura Prasad Mehrotra :** Is the appointment of the present incumbent in conformity with the recommendation of the Oakden Committee?

**The Hon'ble Sir Sam O'Donnell :** I do not remember any particular recommendation made on that point. In any case, it is a question which should be addressed to the Hon'ble Minister.

**Mr. C. Y. Chintamani :** As the Hon'ble the Finance Member has stated that he has nothing to do with the Co-operative department and that he has only answered this question because a number of matters are grouped in it, will he kindly recommend to the Hon'ble Minister in charge of the department to make an authoritative and early statement on the subject at a suitable occasion with a view to reassure the public mind?

**The Hon'ble Sir Sam O'Donnell :** It is open to the honourable member to address questions to the Hon'ble Minister.

**Pandit Nanak Chand :** Was this appointment made by the Governor in Council or by the Governor acting with his Ministers?

**The Hon'ble Sir Sam O'Donnell :** By the Governor acting with his Ministers.

**Pandit Govind Ballabh Pant :** Did the Government consider that there was no officer in the Provincial Service who could take charge of the department for three months when Pandit Sham Bihari Misra went on leave?

**The Hon'ble Sir Sam O'Donnell :** I have no doubt that the claims of all officers eligible for appointment to the post of Registrar were considered.

#### LISTED POSTS.

\* 17. **Khan Bahadur Hafiz Hidayat Husain :** How many listed posts are occupied by the United Provinces Judicial officers in these provinces? How many out of these are Muslims?

**The Hon'ble Sir Sam O'Donnell :** The information is available in the Civil List.

\* 18. **Khan Bahadur Hafiz Hidayat Husain :** Have the Government made any allotments so far in the Judicial and Executive Services of the twenty listed posts assigned to these provinces as a result of the acceptance of the Lee Commission report?

How many out of these have gone or are meant to go to the Judicial line and how many to the Executive line? How many out of these listed posts have already been filled up?

**The Hon'ble Sir Sam O'Donnell :** No. Twenty per cent. and not twenty of the superior Indian Civil Service posts are eventually to be listed. It is, however, recognized that the Judicial Service already has more than 20 per cent. of the superior judicial posts, and the additions so far made have been made on the executive side. Two such posts were listed last year, and proposals for a third are under consideration.

**Khan Bahadur Hafiz Hidayat Husain :** Does the Government contemplate to give all these posts to the executive side and none to the judicial side?

**The Hon'ble Sir Sam O'Donnell :** The question hardly arises at the present stage. I cannot say that all these appointments will be made on the executive side; but at present the judicial side has more than 20 per cent., and therefore the recent two appointments are on the executive side.

**Mr. C. Y. Chintamani :** By what number does the number of listed posts at present fall short of the total recommended by the Lee Commission?

**The Hon'ble Sir Sam O'Donnell :** I cannot say this from memory.

#### REPORT ON PRIMARY EDUCATION.

\* 19. **Khan Bahadur Hafiz Hidayat Husain :** When was the report of the committee appointed by the Government to inquire into and report on the primary education of the Musalmans and other backward classes received by the Director of Public Instruction?

When was it received by the Government? Have the Government yet considered the report? When do Government propose to issue their resolution on the report?

**The Hon'ble Rai Rajeshwar Bali :** The report is in the press and will shortly reach the Director.

#### MEDICAL INSPECTORS OF SCHOOLS.

\* 20. **Khan Bahadur Hafiz Hidayat Husain :** How many medical inspectors of schools have lately been appointed by the Government? What are their functions and what are their salaries? Will the Government be pleased to name them together with their qualifications?

**The Hon'ble Rai Rajeshwar Bali :** Ten.

A copy of the printed conditions of appointment of medical officers and of the printed note for the guidance of medical officers is placed on the honourable member's table.

Three are paid Rs. 200 per mensem *plus* Rs. 30 per mensem conveyance allowance; three Rs. 150 per mensem and four Rs. 120 per mensem *plus* Rs. 15 per mensem conveyance allowance in each case.

A statement showing the names and qualifications of the school medical officers is placed on the honourable member's table.

(See Appendix C, page 74.)

#### DOUBLE RECORD SYSTEM IN COURTS.

\* 21 **Khan Bahadur Hafiz Hidayat Husain :** Have the Government consulted the Honourable High Court of Judicature at Allahabad regarding the advisability of restoring the double record system in the courts subordinate to the Honourable High Court at Allahabad?

When is the double record system likely to be restored?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The honourable member is referred to the answers given to unstarred questions Nos. 7 to 9 at the meeting of July 5, 1926. The opinion of the High Court has not yet been received.

(Copies of unstarred questions Nos. 7 to 9 of July 5, 1926, asked by KUNWAR ISMAIL ALI KHAN SADIQ and their answers.)

#### QUESTION No. 7.

Is the Government aware that the courts in these provinces have been directed to keep only one record, and that in English, of the depositions of witnesses made before them, in place of the double record in English and vernacular which was formerly kept?

#### ANSWER.

The single record system is being tried experimentally in the courts of district judges and subordinate judges only.

#### QUESTION No. 8.

Does the Government approve of this innovation? If not, is the Government prepared to take steps to have the innovation abolished?

#### ANSWER.

Government sanctioned the experiment, but if after proper trial the system is not found to be satisfactory, Government will be prepared to consider its abolition.

#### QUESTION No. 9.

Is the Government prepared to take steps to ascertain the opinion of the members of Bench and the Bar throughout the provinces as regards this innovation and make it available to this Council?

## ANSWER.

The High Court hopes to be able to give a considered opinion on the success or failure of the system at the end of the current year. Pending receipt of that opinion, Government see no object in taking the steps suggested.

## COURT FEES ON ACCOUNTS AND STATEMENTS RELATING TO WAQFS.

\* 22. **Khan Bahadur Hafiz Hidayat Husain** : Are the Government aware that court fees are charged on all accounts and statements required to be submitted by *mutawallis* of *waqfs*? If not, will the Government make inquiries? Is it their intention to disallow the practice wherever it may exist?

**The Hon'ble Rai Rajeshwar Bali** : Government will make inquiries and consider the question.

## THE MESTON SETTLEMENT.

\* 23. **Khan Bahadur Hafiz Hidayat Husain** : Have the Government been able to get any modification in the Meston settlement as far as affecting this province?

**The Hon'ble Sir Sam O'Donnell** : No such modification has been made.

## DELAY IN PAYMENTS OF BILLS.

\* 24. **Khan Bahadur Hafiz Hidayat Husain** : Are the Government aware of the delay which arises in payment of bills owing to the introduction of the scheme of the separation of accounts and audit?

How do Government propose to remedy this?

**Mr. E. A. H. Blunt** : The Government are aware of no such delay. The Chief Accounting Officer (myself) receives a monthly return of the bills paid, and the number of bills left unpaid at the end of the month is rarely more than a dozen, in all the offices taken together, out of some fifteen to seventeen thousand received. But if the honourable member himself, or any other person concerned, has any complaint to make regarding any particular bill, he has only to give details to me and I will inquire into the matter, and take whatever steps I can to remedy it. I am only too anxious to hear of such cases when they occur.

## STATE MEDICAL FACULTY.

\* 25. **Khan Bahadur Hafiz Hidayat Husain** : Have the Government constituted a State Medical Faculty in these provinces? If so, what are its functions and what is its personnel?

**The Hon'ble Rai Rajeshwar Bali** : Yes. As regards its functions, the honourable member is referred to this Government's resolution no. 1228/V—202, dated November 10, 1926, published on page 547 of the *United Provinces Gazette*, dated November 13, 1926 (Part VIII). The personnel of the Faculty is given on page 251 of the *United Provinces Civil List* corrected up to January 1, 1927.

## COUNCIL ELECTIONS.

\* 26. **Khan Bahadur Hafiz Hidayat Husain** : Has it been brought to the notice of the Government that corrupt practices have been employed in the recent Council elections? If so, from which district

or districts have these complaints been made? What action do Government propose to take on these complaints?

**The Hon'ble Sir Sam O'Donnell:** Complaints of corrupt practices were received from the Mirzapur and Gonda districts and the Rohilkhand division. They were not sufficient to justify action under rule 32(1) (b) of the United Provinces Electoral Rules.

**Khwaja Khalil Ahmad Shah:**

آیا کرپٹ پریکٹیسز (corrupt practices) میں سرکاری ملازمان و کورٹ آف وارڈس کے ملازمان کا دباؤ ڈالنا \*

**The Hon'ble the President:** Can you not speak in English?

**Khwaja Khalil Ahmad Shah:**

جی نہیں۔ میرا سوال یہ ہے کہ آیا کرپٹ پریکٹیسز (corrupt practices) میں سرکاری ملازمان کا دباؤ ڈالنا آتا ہے یا نہیں؟

**The Hon'ble the President:** This would be a matter of opinion.

**Khwaja Khalil Ahmad Shah:**

کیا یہ واقعہ ہے کہ ضلع گونڈہ میں کورٹ آف وارڈس اسٹیٹ کے اسٹیٹ منیجر سید حیدر کوڑا صاحب ایک امیدوار کو ساتھ لے کر گھومتے تھے اور ریاست کے تمام اہلکار ان کے ساتھ کھڑے تھے؟

**The Hon'ble the President:** This is too personal.

**Khwaja Khalil Ahmad Shah:**

کیا بلرامپور کے اہلکاران نے حصہ لیا؟ کیا گونڈہ کے ضلع کے کورٹ آف وارڈس کے اہلکاران نے حصہ لیا؟

**The Hon'ble Sir Sam O'Donnell:**

یہ ہم کو نہیں معلوم •

**Khwaja Khalil Ahmad Shah:**

کیا اس امر کی کوئی شکایت گورنر صاحب بہادر کی خدمت میں یا بورڈ صاحب کی خدمت میں بھیجی گئی؟

**Mr. Mukandi Lal:** Was any inquiry made regarding the complaint received from the Gonda district?

**The Hon'ble Sir Sam O'Donnell:** The telegram was sent to the Board of Revenue for disposal.

**Mr. Mukandi Lal:** Did the Board of Revenue make inquiries?

**The Hon'ble Sir Sam O'Donnell:** I think not. They probably considered that it was open to the honourable member to file an election petition under rule 32(1) (c) of the United Provinces Electoral Rules.

#### NEW COUNCIL CHAMBER.

\* 27. **Khan Bahadur Hafiz Hidayat Husain:** When is the new Council Chamber likely to be finished?

What has been done to the numerous cracks that have already appeared in the building?



**Mr. P. H. Tillard :** (a) The architect and contractors are doing their best to complete the central block by October 15, 1927, and the whole building should be completed by March 31, 1928.

(b) No new cracks have appeared and there has been no material movement in the old cracks.

**Raja Jagannath Bakhsh Singh :** When do the Government expect that the art work will be finished ?

**Mr. P. H. Tillard :** By the end of March, 1928.

**Raja Jagannath Bakhsh Singh :** Did the Government lay down any conditions as to the completion of the building ?

**Mr. P. H. Tillard :** The contract time is the end of March, 1928.

**Raja Jagannath Bakhsh Singh :** Was any extension given to the contractors regarding the two wings of the Council Chamber ? If so, how many months ?

**Mr. P. H. Tillard :** I cannot say. I have no papers.

#### ELECTION EXPENSES FOR THE LEGISLATIVE COUNCIL.

\* 28. **Khan Bahadur Hafiz Hidayat Husain :** Have the Government recommended to the Governor-General in Council to fix any minimum scale of election expenses for the Legislative Council ?

What recommendations did the Government make, and with what result ?

**The Hon'ble Sir Sam O'Donnell :** (a) No.

(b) Does not arise.

#### TRANSFER OF LAND FROM AGRICULTURAL TO NON-AGRICULTURAL CLASSES.

\* 29. **Khan Bahadur Hafiz Hidayat Husain :** Have the Government been able to ascertain the extent to which land in this province has passed from the agricultural to the non-agricultural classes ?

Is the inquiry stated to have been made by the Hon'ble Sir Sam O'Donnell in his speech on April 7, 1926 complete ?

Will the Government be pleased to place on the table a statement compiled districtwise showing the extent to which land has passed from the agricultural to the non-agricultural classes since the year 1911 ?

**The Hon'ble Sir Sam O'Donnell :** Complete figures from the whole province have only reached Government recently and they have not yet had time to examine them. Till they have done so, Government consider that the publication of detailed figures would be premature : but in the whole province the land held by agricultural classes appears to have decreased in the last eighteen years by 2.43 per cent.

**Pandit Govind Ballabh Pant :** Is there any list of agricultural and non-agricultural classes in this province ?

**The Hon'ble Sir Sam O'Donnell :** I think that when in 1910 a list was made, a division of the different classes was made. That was purely a formal thing. There is no statutory division of the different classes except in Bundelkhand, where the Land Alienation Act applies.

**Khan Bahadur Hafiz Hidayat Husain :** Does that list apply only to Bundelkhand or to the entire province ?

**The Hon'ble Sir Sam O'Donnell :** The figures which have recently been called for relate to the whole province.

**Pandit Govind Ballabh Pant :** Was that list published ?

**The Hon'ble Sir Sam O'Donnell :** The recent list has not been published for the reasons given in the reply to question No. 29.

**Pandit Govind Ballabh Pant :** Was the 1910 list published ?

**The Hon'ble Sir Sam O'Donnell :** I do not know whether the 1910 list was published or not.

**Pandit Govind Ballabh Pant :** Would it be correct to say that all this collection of statistics will be an unsafe guide so long as there is no clear distinction between agricultural and non-agricultural classes ?

**The Hon'ble Sir Sam O'Donnell :** The whole effect of the classification is that it will show roughly agricultural and non-agricultural classes. There is obviously always some doubt in these things.

#### CIVIL COURT BUILDINGS, CAWNPORE.

\* 30. **Khan Bahadur Hafiz Hidayat Husain :** What has become of the scheme for the extension of the civil court buildings in Cawnpore ? When is the work of extension likely to be taken in hand ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The estimate for this scheme has now received final sanction. If funds are available the work is likely to be taken in hand in the next financial year.

**Babu Bhagwati Sahai Bedar :** Has the Government made any provision in the coming budget ?

**The Hon'ble the President :** The honourable member is anticipating the budget.

**Rai Bahadur Babu Vikramajit Singh :** Does the Government intend to take the work in hand in the next financial year ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I have already said in my reply. "If funds are available the work is likely to be taken in hand."

#### BANSMANDI TIMBER MERCHANTS.

\*31. **Khan Bahadur Hafiz Hidayat Husain :** (a) Are the Government aware that the business of the Bansmandi timber merchants will be considerably affected by the order of the board removing them ?

(b) Did these merchants make any representation to the Government ? How has that representation been dealt with by the Government ?

**The Hon'ble Nawab Muhammad Yusuf :** (a) Government have no information.

(b) Yes ; Government refused to interfere as it was purely a local matter, which should be settled locally.

**Babu Bhagwati Sahai Bedar :** Does the Government ever interfere in these matters ?

**The Hon'ble the President :** Order, order.

## RECOMMENDATIONS OF LEE COMMISSION.

\*32. **Khan Bahadur Hafiz Hidayat Husain** : Have the Government submitted to the Government of India their views with regard to (i) family pension scheme for the European members of the all-India services, (ii) the extension of the provisions of the Lee Commission report to Asiatic and non-Asiatic officers of the provincial services ?

When were the views of the Government submitted ?

Will the Government be pleased to place those views on the table ?

**The Hon'ble Sir Sam O'Donnell** : The United Provinces Government were recently consulted about (i) but have not yet had time to reply.

As to (ii), I am unable, in view of standing orders, to lay any correspondence between this Government and the Government of India on the table. I may, however, add that the pay and pensions of the provincial services are regulated by the local Government, and that it is not proposed to grant any such extension to these services.

## INFANTILE MORTALITY IN CAWNPORE.

\*23. **Khan Bahadur Hafiz Hidayat Husain** : (1) Is it a fact that infantile mortality in Cawnpore is the highest in the province ? Does the figure stand at 420 per thousand ?

(2) What special measures do the Government propose to adopt to check this rate ?

**The Hon'ble Rai Rajeshwar Bali** : 1. (a) Yes.

(b) Yes.

2. Government are considering a special scheme for maternity and child-welfare in Cawnpore through the Lady Chelmsford League. The operation of the Cawnpore Improvement Trust will also gradually deal with one of the root causes of the mortality which is the special congestion in the old city.

**Pandit Iqbal Narayan Gurtu** : To reduce the infant mortality in the large labouring classes in Cawnpore, has the Improvement Trust any scheme for more sanitary accommodation for them ?

**The Hon'ble Rai Rajeshwar Bali** : I think they have got some schemes.

## LACK OF GOOD WATER AT FATEHPUR SIKRI.

\*34. **Khan Bahadur Hafiz Hidayat Husain** : (a) Are the Government aware that Fatehpur Sikri suffers from lack of good water ?

(b) Are Government supplying to the Notified Area Committee any additional funds for the supply of good water ?

(c) What are the conditions imposed on the Notified Area Committee for the grant of money by the Government ?

(d) Will the Government be pleased to state if the notified area committee will be able to faithfully carry out those conditions judging from the funds at the disposal of the committee ?

**The Hon'ble Rai Rajeshwar Bali** : (a) Yes.

(b) Subject to the vote of the Council, the Government propose to provide funds through the Board of Public Health. The board has

already made an allotment for test pumping and clearing wells and for the fees payable on the project.

(c) The Board of Public Health consider that the committee should meet the maintenance charges amounting approximately to Rs. 3,500 a year.

(d) The reply of the Notified Area Committee is awaited. On receipt the Government will consider the question.

#### RATE OF EXCHANGE.

\*35. **Khan Bahadur Hafiz Hidayat Husain**: Have the Government been consulted by the Government of India regarding the exchange problem? Have the Government submitted their reply?

Do Government recommend the 1s. 4d. ratio or 1s. 6d. ratio, and for what reasons?

**The Hon'ble Sir Sam O'Donnell**: The Government of India have consulted this Government regarding the Currency Bill which deals with certain matters arising out of the Currency Commission's report including the ratio.

Government cannot disclose the nature of their reply.

#### ASSISTANT REGISTRAR OF THE HIGH COURT AT ALLAHABAD.

\*36. **Khan Bahadur Hafiz Hidayat Husain**: Is the present Assistant Registrar of the High Court at Allahabad retiring next year? Will the Government be pleased to recommend to the Hon'ble High Court to appoint a Provincial Judicial Service officer in place of the retiring officer?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan**: (a) It depends on whether the High Court decides when the time comes to grant the present holder of the post an extension.

(b) Does not arise.

**Pandit Govind Ballabh Pant**: Is the deciding authority the High Court or the Government?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan**: The High Court.

**Pandit Govind Ballabh Pant**: Is the High Court the final authority in the matter?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan**: They make recommendations to the Government.

**Pandit Govind Ballabh Pant**: Are the final orders passed by the Government?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan**: Yes, I believe.

#### REPRESENTATION BY NOMINATION TO THE LEGISLATIVE COUNCIL FROM THE UNITED PROVINCES JUDICIAL SERVICE.

\*37. **Khan Bahadur Hafiz Hidayat Husain**: Have the Government received any representation from the United Provinces Judicial Service praying for representation by nomination to the Legislative Council? Did the Government promise to favourably consider the matter? Why

has no nomination been made from that service to the present Council? Was this representation before His Excellency when he made the nominations?

**The Hon'ble Sir Sam O'Donnell:** (1) Yes.

(2) No.

(3) Nominations are made not by the Government but by His Excellency the Governor.

#### PRIMARY EDUCATION ACT, 1919.

\*38. **Khan Bahadur Hafiz Hidayat Husain:** How many municipalities in the province have taken advantage of the Primary Education Act, 1919?

What are the principal difficulties experienced in the enforcement of the Act by the municipalities?

How much money has been spent on primary education by the municipalities in the year 1926? What is the Government contribution to it?

**The Hon'ble Rai Rajeshwar Bali:** (a) Twenty-five.

(b) Financial.

(c) Figures for 1926 are not available. In 1925-26 the municipalities spent from their own funds Rs 3,23,025 on primary schools, excluding expenditure on inspection and buildings, etc.

(d) Rupees 2,76,000.

#### ENCOURAGEMENT OF SCOUT CRAFT AND PHYSICAL TRAINING IN SCHOOLS.

\*39. **Khan Bahadur Hafiz Hidayat Husain:** Will the Government be pleased to state what it has done to encourage scout craft and physical training both in and outside schools?

**The Hon'ble Rai Rajeshwar Bali:** A grant of Rs. 12,000 per annum is given to each of the provincial boy scouts associations, namely, the Boy Scouts Association of Agra and Oudh and the Sewa Samiti Boy Scouts Association. Facilities are provided for the training of scout masters. Effect is now being given to the recommendations of a committee which Government appointed recently to suggest improvements in the system of physical training for schools.

**Pandit Iqbal Narayan Gurtu:** Will the Hon'ble Minister be pleased to state in what manner effect is given to the recommendations?

**The Hon'ble Rai Rajeshwar Bali:** I think I shall have an opportunity of laying all the facts before the Council when discussion on the first resolution takes place.

**Babu Bhagwati Sahai Bedar:** Has the report of the committee been published?

**The Hon'ble Rai Rajeshwar Bali:** It has not been published.

**Pandit Iqbal Narayan Gurtu:** Will the Government be pleased to publish the report of that Committee?

**The Hon'ble Rai Rajeshwar Bali:** Yes.

**Mr. Mukandi Lal:** There was another scheme introduced by the Public Health department for general physical training?

**The Hon'ble Rai Rajeshwar Bali:** That was a different scheme.

ALLOTMENT FOR PHYSICAL CULTURE.

\* 40. **Khan Bahadur Hafiz Hidayat Husain:** How has the allotment for physical culture been utilized by the Government?

Will the Government be pleased to state the clubs or societies to which the money has been paid by the Government?

**The Hon'ble Rai Rajeshwar Bali:** A statement is laid on the table.

(See Appendix D, page 80.)

PRIMARY EDUCATION ACT, 1926.

\* 41. **Khan Bahadur Hafiz Hidayat Husain:** Has the Primary Education Act, 1926, been enforced in any rural area in the province? If so, which area?

**The Hon'ble Rai Rajeshwar Bali:** The answer to the first part of the question is in the negative. The second part does not arise.

\* 42. **Khan Bahadur Hafiz Hidayat Husain:** What is the school-going population of these provinces?

What will be the probable cost of compulsory primary education in these provinces if the Acts of 1919 and 1926 were applied to the entire province at once?

**The Hon'ble Rai Rajeshwar Bali:** About 62 lakhs of children (boys and girls) are between the ages of six and eleven. The extra recurring cost would be Rs. 4½ crores roughly.

STATUTORY POWERS OF TAXATION BY DISTRICT BOARDS.

\* 43. **Khan Bahadur Hafiz Hidayat Husain:** Have any of the district boards availed themselves of their statutory powers of taxation? If so, which of them and for what particular purpose?

What is the amount raised by the several district boards?

**The Hon'ble Nawab Muhammad Yusuf:** The district boards of Moradabad, Lucknow, Cawnpore Meerut, Allahabad and Bulandshahr have imposed a tax on circumstances and property. The districts of Shah-jahanpur, Fyzabad, Hardoi, Mirzapur and Partabgarh are taking necessary action for the same purpose. The income from the tax will in each case be used for the general purposes of the district board.

The actual yield of the tax in 1925-26 was, Moradabad Rs. 9,820 and Lucknow Rs. 6,323. When the taxes are in full operation the yield will be greater, but it is not at present possible to give clear figures or to say whether the estimates will be realized.

**Babu Bhagwati Sahai Bedar:** Is the Government aware that there is a serious agitation going on in the Moradabad district against this tax?

**The Hon'ble the President:** This question hardly arises out of the one on the notice paper.

RULES UNDER SECTION 17 OF THE UNITED PROVINCES DISTRICT BOARDS : PRIMARY EDUCATION ACT, 1926.

\* 44. **Khan Bahadur Hafiz Hidayat Husain:** Have the Government yet framed any rules finally under section 17 of the United Provinces District Boards Primary Education Act, 1926?

**The Hon'ble Rai Rajeshwar Bali :** Yes, they were published in the Gazette of January 22, 1927.

\* 45. **Khan Bahadur Hafiz Hidayat Husain :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

### UNSTARRED QUESTIONS.

1 to 6. **Khan Bahadur Hafiz Hidayat Husain :** [*Postponed at the request of the Government till the first day of the next meeting of the Council.*]

#### NUMBER OF MUSLIM BOYS IN BOARDS' MIXED SCHOOLS.

7. **Khan Bahadur Hafiz Hidayat Husain :** What was the number of Muslim boys in all boards' mixed schools on January 1, 1927 ? What was the total enrolment on that date ?

**Kunwar Jagdish Prasad :** There were 88,451 Muslim boys in all district boards' mixed schools on May 1, 1926. The total enrolment on the same date was 808,716. Figures of a later date are not available.

#### TOWN HALL, ORAI.

8. **Khan Bahadur Hafiz Hidayat Husain :** (a) Is it in contemplation to build a Town Hall at Orai in the Jalaun district ?

(b) What is the estimated cost of the building ?

(c) Who is collecting subscriptions for the building ?

(d) What part, if any, do the revenue officers of the district take in the collection of subscriptions ?

(e) How much money has been raised for the building by means of subscriptions ? What was the amount subscribed in 1926 ?

**Sir Ivo Elliott :** (a) Yes.

(b) Rupees 30,000.

(c) The managing committee, mostly in 1924.

(d) The revenue officers sympathized with the scheme and asked the district and municipal boards and the Court of Wards to contribute.

(e) Rupees 36,917-15-6 have been realized for this purpose and also for a *dharamshala*. Separate figures for the Town Hall are not yet available. Rupees 13 was subscribed in 1926.

#### GRADUATES OF KING GEORGE'S MEDICAL COLLEGE, LUCKNOW.

9. **Khan Bahadur Hafiz Hidayat Husain :** How many graduates passed out of King George's Medical College, Lucknow, in 1924, and how many out of these were taken in Government service ? Was any Muslim graduate of 1924 so taken ? Will any Muslim graduate of 1924 have a chance of entering Government service in future ? If not, why ?

**Sir Ivo Elliott :** Thirty graduates passed out of the King George's Medical College, Lucknow, in 1924 (23 in April and 7 in October), out of whom three have been selected for recruitment in Government service.

Of the three selected one is Muslim.

As to future recruitment, the Government are not in a position to say.

**MUSLIM HONORARY MAGISTRATES IN JALAUN DISTRICT.**

10. **Khan Bahadur Hafiz Hidayat Husain**: Will the Government be pleased to give the name of the only Muslim honorary magistrate in Jalaun district?

What is the jurisdiction of this magistrate?

**Mr. R. L. Yorke**: There is no Muslim honorary magistrate in Jalaun district.

**ALLOTMENT OF SEATS.**

**The Hon'ble the President**: I have not been able to allot seats for parties, as parties are in a state of formation, and I do not know what the number in each party will be and whether the number of parties will be two or three or more than that. I ask members to let me know privately the exact number of their groups, so that I may be able to arrange accommodation as far as I can. In the front opposition bench only eight seats have so far been reserved—four for Swarajists, two for special considerations to Khan Bahadur Hafiz Hidayat Husain and Raja Jagannath Bakhsh Singh, and three for the Nationalist group. If the members will let me know the constitution and the strength of their group, I shall try to accommodate them. I request honourable members to form themselves into parties, if they wish, by the evening of Wednesday, so that on Thursday, if possible, seats may be allotted to them; otherwise parties will have to wait till the next meeting. Let me hope that the number of parties will be limited and that points of agreement will be emphasized.

The second point is as regards the mode of divisions. I propose to adopt quite a new procedure, somewhat in a transitional stage between the lobby system and that we have adopted so far. We have no lobbies here; we shall have to wait till the new Council Chamber is complete and the Council moves into that. Meantime, on account of complaints that were received by me during the last session of the Council, notably in Naini Tal, I think I shall insist on one or two things particularly. When a division is challenged, the bell will be rung for two minutes; just after that the doors of this House will be shut and then members will proceed to vote and each member is requested to keep to his seat and not move about when the votes are being recorded and collected. Canvassing inside the House is out of order. I would ask honourable members to keep to their seats, sign the voting paper, and wait patiently till the Council staff comes round and collects the papers. Till then the doors of this House will remain shut. This should meet the complaint that was made by several honourable members as regards divisions. I hope the occupant of the Chair will not be hauled up for unlawful restraint.

**ANNOUNCEMENTS *re* ASSENT OF THE GOVERNOR  
GENERAL TO VARIOUS ACTS.**

**The Hon'ble the President**: I have the following announcements to make :—

- (i) The Agra Tenancy Act, III of 1926, which was passed by the United Provinces Legislative Council on July 31, 1926, and assented to by His Excellency the Governor on August 9,



[The Hon'ble the President.] .

1926, received the assent of His Excellency the Governor General on August 31, 1926.

- (ii) The United Provinces Municipalities (Amendment) Act, IV of 1926, which was passed by the United Provinces Legislative Council on August 7, 1926, and assented to by His Excellency the Governor on August 22, 1926, received the assent of His Excellency the Governor General on September 29, 1926.
- (iii) The Oudh Rent (Amendment) Act, V of 1926, which was passed by the United Provinces Legislative Council on July 31, 1926, and assented to by His Excellency the Governor on August 19, 1926, received the assent of His Excellency the Governor General on September 21, 1926.
- (iv) The United Provinces Land Revenue (Sir Amendment) Act, VI of 1926, which was passed by the United Provinces Legislative Council on August 5, 1926, and assented to by His Excellency the Governor on August 19, 1926, received the assent of His Excellency the Governor General on September 22, 1926.
- (v) The United Provinces District Boards (Amendment) Act, VII of 1926, which was passed by the United Provinces Legislative Council on August 7, 1926, and assented to by His Excellency the Governor on August 22, 1926, received the assent of His Excellency the Governor General on September 29, 1926.
- (vi) The Agra University Act, VIII of 1926, which was passed by the United Provinces Legislative Council on August 6, 1926, and assented to by His Excellency the Governor on September 11, 1926, received the assent of His Excellency the Governor General on October 20, 1926.
- (vii) The United Provinces Legislative Council Salary of President (Amendment) Act, IX of 1926, which was passed by the United Provinces Legislative Council on August 7, 1926, and assented to by His Excellency the Governor on September 11, 1926, received the assent of His Excellency the Governor General on October 24, 1926.

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### ELECTION OF A DEPUTY PRESIDENT.

**The Hon'ble the President:** I may read the standing order as regards the election of a Deputy President. I have received the nomination of three candidates which I shall put before the House; if there are to be any more nominations now honourable members are requested to let me have them. The standing order says:—

“ 5 (2) Every member who wishes to propose a member for election as Deputy President must :—

- (i) ascertain previously that the member is willing to serve if elected, and

- (ii) hand to the President a notice containing the name of the member he desires to propose signed by himself and by some other member as seconder.

As regards voting, " If more than one member has been proposed, the President shall read out their names, together with the names of their proposers and seconders, and the Council shall then proceed to vote on the question by ballot, and the President shall declare the person who receives the highest number of votes to be duly elected. The ballot shall be held in such manner as the President may direct. "

Honourable members will find on their table a copy of instructions as regards the manner of voting. As regards the candidates, the name of Sardar Nihal Singh has been proposed by Mr. Ahmad Shah and seconded by Syed Habib-ullah. The name of Rai Bahadur Pandit Kharagjit Misra has been proposed by Raja Kushal Pal Singh and seconded by Thakur Hukum Singh. The name of Mr. Mukandi Lal has been proposed by Babu Bhigwati Sahai Bedar, Lieutenant Abdus Sami Khan, Khan Bahadur Hafiz Hidayat Husain, Pandit Govind Ballabh Pant, Raja Saiyid Ahmad Ali Khan Alvi and Maulvi Abdul Qayum; the seconders are Nawabzada Muhammad Liaqat Ali Khan, Maharaj Kumar Major Mahjit Singh, Mr. A. P. Dube, Khwaja Khalil Ahmad Shah, Khan Bahadur Saiyid Jafar Husain, Dr. Shafa'at Ahmad Khan. The name of Pandit Nanak Chand has just been proposed by Rai Bahadur Babu Vikramajit Singh and seconded by Rai Bahadur Lala Mathura Prasad Mehrotra.

The honourable members may now proceed to record their votes.

*The votes were then recorded.*

**The Hon'ble the President :** The result of the voting is—

|                                    |     |     |    |
|------------------------------------|-----|-----|----|
| Mr. Mukandi Lal                    | ... | ... | 55 |
| Sirdar Nihal Singh                 | ... | ... | 32 |
| Pandit Nanak Chand                 | ... | ..  | 13 |
| Rai Bahadur Pandit Kharagjit Misra | ..  |     | 5  |

I declare Mr. Mukandi Lal duly elected.

His name will be submitted to His Excellency the Governor for approval.

#### APPOINTMENT OF PANEL OF CHAIRMEN.

**The Hon'ble the President :** I now announce a panel of Chairmen under rule 3 of the United Provinces Legislative Council Rules.

Rai Bahadur Babu Vikramajit Singh,

Mr. St. George Jackson,

Khan Bahadur Mr. Muhammad Ismail, and

Sirdar Nihal Singh.

RESOLUTION *re* PHYSICAL TRAINING.

**Mr. A. P. Dube :** I rise to move the resolution that stands against my name. The resolution runs thus :—

“That this Council recommends to the Government—

- (a) that physical education, including training in military drill and the use of fire-arms in higher classes, should be made compulsory in educational institutions recognized by the Government, and
- (b) that a committee consisting of seven members—five elected by this House and two nominated by the Government—be appointed to draw up a graded syllabus and suggest necessary measures to carry out the above object.”

I take it that it is comparatively easier to get resolutions passed by this House than to get them carried out by the Government. It is therefore that I begin with trying to get some influence to bear upon the Government, that in case this resolution is passed by the Council, the Government will try to carry it out. About two years ago, to be exact, on the 3rd of March, 1925, my honourable friend Rai Bahadur Babu Vikramajit Singh moved a resolution in this House recommending to the Government to take steps at an early date to make physical training and drill without arms compulsory in all schools and intermediate colleges. This resolution was really, if I may be permitted to say so, and with all respect to the honourable mover, a very timid one, and, so far as it dealt with drill without arms, it involved a certain amount of contradiction in terms. Why should we have drill without arms? Had this resolution asked for military training, I would not have thought it necessary to move this resolution today. But my honourable friend was careful in inserting the words “at an early date” in this resolution and thereby he had anticipated the dilatory methods of the Government. This resolution was considered by the House on its merits; there was a good deal of discussion over it; but it was passed unanimously. After the passing of the resolution a committee was appointed by the Government which might be called a preliminary committee. That committee submitted a report and that report was printed. Subsequent to that, another and a larger committee was appointed; that committee also made a final report and that report has also been printed. But unfortunately this accumulated wisdom of these two committees has not been published and is lying in the archives of the Education department, I take it safely consigned to the limbo of oblivion. In discharge of my duty to this Council and in order to put myself abreast of what has gone before, I made an attempt to get copies of these reports, but I was told that as the Government has not chosen to publish these reports nobody could have a look at them. I am therefore unable to pierce the compulsory darkness in which I have been placed and must make the best of the little light that I have succeeded in obtaining upon this mysterious proceeding. The only thing in my researches that I have been able to get is a brilliant advertisement of the Education department. The advertisement announces, somewhere in December, 1926, that three scholarships are going to be awarded for study in the United Kingdom and with regard to this physical training it says:—“If suitable candidates possessing good athletic records are forthcoming, two of the scholarships may

be awarded for one year's course of physical training." I would ask you, Sir, to consider how one possibility has been grafted upon another. If two candidates of suitable athletic record are forthcoming, scholarships may be awarded to them. During all this time I take it that persons with good athletic records have not been discovered and at this rate they are likely never to be discovered. Anyhow the upshot of all these proceedings, with all respect, seems to me that this House has passed a resolution unanimously; two committees were appointed; they have made reports; and after nearly two years the whole thing has ended in smoke. I do not see how the Education department can get out of the charge that this House complains of the growth of a upas tree and the Government is holding out vague promises that some day certain of its branches might be lopped off. But, Sir, let us hope even against hope, because it has been said that hope is an architect above rules and can build in reverse a pyramid upon a point. Let us yet hope, by coming to the charge again, that the Government will at least think fit to do something practical in carrying out the resolution which we might be able to pass this afternoon.

Coming now to closer grips with this first portion of the resolution, it seems to me that, possessing as it does eminent classical scholars, this Government has failed to learn the greatest lesson of Greek history. Sparta confined itself merely to physical education; Athens confined itself merely to intellectual education, and they both ultimately failed. Greek philosophers who had to piece together the facts of Grecian history came to the conclusion that in order to secure permanent results the two educations must be combined. The whole world seems to have profited by this suggestion, but we are very nearly where we were.

Now with regard to this advertisement, in the very beginning I want to sound a note of warning. It may fructify and students may be sent to England to learn something to teach us about physical education. Now, Sir, this seems to me to be an attempt in which the Government is going to foist on us some foreign complicated system of physical training the merit of which will lie not in itself, but in our illusions about it. Why should we go all the way to Europe to learn some system of physical education? Have we not got enough at hand with which we might proceed?" Sir, we are an old country and we have our tried methods. They are cheap and indigenous and I submit they are suited to our climate. Sir, if I may be allowed to sound a personal note, I would say that for purposes of physical education I have found our indigenous Indian wrestling the best thing; it is cheap and it is suited to our climate. I hope it will not be disregarded on account of its cheapness; I hope nobody will consider it savage because the exercise is taken mostly with naked bodies, otherwise a ban will have to be placed upon boxing as well. I hope it will not be considered dirty because the exercise is taken upon the bosom of mother earth, because Rugby football will come very near it. I think that if other countries in the world knew enough about our Indian wrestling and if their wretched climates permitted it, they would all import it, I think the man who invented and perfected Indian wrestling deserves a statue. Therefore, I would say:—Let Indian wrestling be the foundation of our effort in giving physical education to our young men. We may, if we can afford it, give them other games like cricket, football, hockey, tennis, and even polo where you can afford that. But let us have clear

[Mr. A. P. Dube.]

minds upon the point that none of these games will be able to give you muscle or wind or that all-round development which wrestling alone can give. This exercise is suited to the cities as well as to the country, and if it were carried out according to the rules obtaining amongst us it ought to prove a very hard and very brilliant exercise. Now, Sir, I need not emphasize any further this portion of the resolution. Everybody knows the value of physical development, everybody knows that sound body is the foundation of all future greatness. Every follower of the Cross and Crescent, of course, knows it and a Hindu ought to know the basic idea of the Brahmacharya Ashram which is contained in the maxim

शरीरमाद्यमखलु धर्मसाधनं

Shārīr madyam khalu Dharma Sadhanam.

Now I come to the other portion of my resolution, viz., in regard to the military drill and use of fire-arms. Fortunately, Sir, I think circumstances are all conspiring to force upon us like the inexorable decree of fate, this responsibility, the responsibility to shoulder the knapsack of a soldier. Great Britain is pledged to us for the grant of Home Rule to India, although we have not yet paid a fraction of the price for the freedom. Great Britain succeeded in getting to its side the whole of the world by proclaiming to the four winds of heaven that it was fighting to make the world safe for democracy. In face of this clear and unequivocal declaration she cannot go on rendering one-fifth of the human race unsafe for democracy. Moreover, we are alive to our rights and we are determined to have what is after all our birthright. In view of these circumstances we must sow the seed of a national army as early as we can. In this connexion the Christmas-card moralities of peace on earth and good-will among men are of no use to us. The country has been rolled in mud and blood too many times before for us to forget the lesson.

Owing to want of preparation we have not been able to use our enormous and irresistible strength, and we have had to suffer at the hands of marauders whom with a little preparation we should have wiped out of existence. Now what is the state of things? To the necessities of the North-West Frontier Provinces, have been added the difficulties of the northern border at Sikkim. The Younghusband Commission has shown to the world that India can be invaded from that quarter also. China, like a young and nascent nation, is breaking the cobwebs woven around it by foreigners. A healthy nation, like a healthy tree, is bound to expand, and under Bolshevik guidance we may be faced with difficulties along the North West as well as the northern border. We have to defend a large seaboard. We have no navy at present and must rely upon our strong right arm only, and we must not forget that the war may be brought to our doors from the air. In face of these facts if we, a nation of three hundred million souls, were to depend upon others for our self-defence, our honour would be false at all points. How, in face of the past events and the present and future possibilities, people can manage to coo like a sucking dove and preach peace, I cannot for the life of me understand.

We may bury our heads in the sand like the famous ostrich till the arrow passes right through the heart. If we fail to read the lessons that history has to teach us it will only recall the statement of a great writer that history teaches us that men never learn anything from history. If people will not learn until their lessons are written in blood, says a great writer, well, blood they must have, their own for preference. Now, Sir, so far as our Muhammadan friends are concerned, fighting is the very breath of their nostrils, and the Christians have converted this world into an armed camp.

**The Hon'ble the President:** The honourable member must remember the onslaught of time.

**Mr. A. P. Dube:** I will leave this portion, Sir, of the resolution and invite the attention of the House to that portion of the resolution which deals with compulsion. I have said enough as to the necessity of having a national army. Now, with regard to that portion I am willing to meet the greatest moralist or conscientious objector. But there are some impossible moralists and conscientious objectors who despise the very ground they are walking upon for reasons of morality. Mahatma Gandhi has declared that the educated classes, so far as the achievement of *swaraj* is concerned, are a failure. It is therefore the educated classes that must be dealt with first for the removal of their disease. And the resolution I am submitting deals practically with this question. Because the modern warfare requires education, and in the modern military system you cannot fire a long-range gun without understanding the trigonometry of the angle or the mechanism of the machine. Now, Sir, when we are organizing civilization we have to make up our minds as to how far compulsion shall go and where it is going to stop. I say that we are entitled not only to compliance from young men, but we are entitled to civilization in all its fulness from them. If a young man can be sent to develop his mind compulsorily to a school, where is the difficulty in asking him to develop his body and his other powers for the sake of the State? Now, Sir, I would say that it would not do for us to forget that a military constitution is really the first thing that begets a political constitution and a political constitution depends for its preservation and strength upon the military organization. All history teaches this. Now in order to maintain a people you must keep intact the power of the people and that power lies in its military organization. Therefore I submit that every citizen who has an interest in protecting the State and the people is in duty bound to enter the military organization and strengthen it, because it preserves and strengthens the State. Now, Sir, I shall not take any more time and I shall leave the resolution for the judgement of the House. Only this I will say that resolution is somewhat general. The details will have to be filled in by the committee which the resolution asks for. Everything cannot be included comprehensively or in a pithy manner in one resolution. Therefore I need not emphasize the necessity of a committee. I hope the House will pass the resolution. I shall only say this that we must remember that our teeth have been set on edge because our ancestors ate of the sour political grapes. Let us pass this resolution and let us insist upon something being done so that those who come after us may have something to thank us for. And the resolution is so fundamental

[Mr. A. P. Dube.]

that if we succeed in having something done we may be able to say of our country what a great poet said about America—

"She in her native centre fast,  
Can into future fuse the past,  
And the world's flowing fates in her own mould recast."

**Raja Shambhu Dayal :—**

I rise to support this resolution.

اِس کے معنی یہ نہ خیال فرمائیے کہ میں انگریزی پڑھ گیا اور میں انگریزی میں تقریر کرونگا یہ کسی مصلحت سے میں نے اِنے الفاظ سیکھ لیئے ہیں جس کی وجہ سے اصل میں آگے چل کر عرض کرونگا میں ہاؤس (House) کی وجہ سے اِس طرف دلانا چاہتا ہوں کہ یہ مہمانہ ویزولیشن اور یہ مہمانہ آواز جس سے یہ دور (move) کیا گیا ہے یہ الہ آباد کا نہیں ہے جہاں سے آنہ بل لوگ تشریف لائے ہیں اِس کا نسخہ ہمارے اِنڈ کے ضلع کو ہے کیونکہ آپ ہمارے اِنڈ کے اصلی رہنے والے ہیں - حضور والا یہ بڑی ضروری اور اہم تحریک ہے تین برس پہلے کونسل میں چرخہ چلا لیکن اِس سے ہمیں کچھ بھی نہ ملا اب ہم کو ضرورت ہے کہ ہم کچھ طاقت بھی حاصل کریں اور ہتھیار چلانا سیکھیں اِس لحاظ سے ضرورت ہے کہ ہم اپنی حفاظت خود نہیں کر سکتے ڈاکو آتے ہیں ہم کو لٹ لے جاتے ہیں اور ہم کچھ نہیں کر سکتے جب تک یہ تعلیم اِسکولوں میں کمپلسری (compulsory) نہ کی جاوے گی کچھ نہ ہوگا یہ نہ کیا جائے کہ گھر میں قند پیلے یا گلی دندہ کھیلے - ایسی کوئی تحریک جس کو گورنمنٹ نہ سپورٹ (support) کرے کامیاب نہیں ہو سکتی دوسرے اُتر ایسا کیا جائے تو یہی انسپیکٹر جنرل صاحب کا سرکلر آرڈر (Circular order) پولیس میں پہنچ جائیگا کہ ایسے لوگوں کو دفعہ ۱۱۰ ض میں چالان کیا جائے لہذا گورنمنٹ کو یہی اِس طرف خیال کرنا چاہیئے - لوگوں کا دماغ تو کتابیں چات جاتی ہیں جب تک وہ کچھ ورزش نہ کریں ہماری خامی دور نہیں ہو سکتی یہ تعلیم یافتہ سے پوچھا جائے تو مشکل سے کوئی ایسا ہوگا جسے ڈایابیتز (diabetes) کا عارضہ نہ ہو - ساتھ ہی اِس کے ایک بات ایسی ہے جس نے مجھے چکر میں ڈال رکھا ہے وہ یہ ہے کہ بیچارے غریب لڑکے خون جگر پیتے ہیں غم و فکر کھاتے ہوں وہ مصارف کو برداشت نہیں کر سکتے اگر اُن کے اوپر یہ بار ڈال دیا گیا تو اُن میں نہ خون رہیگا نہ گوشت رہیگا اِنہو ورزش کرائیے اُنہو پڑھائیے تو وہ زندہ کیسے رہ سکتے ہیں لہذا ایک فکر تو آپ صاحبان کو اِس بات کی کر لینی چاہیئے کہ اِس غریب ملک کو روٹیوں کا بھی تو کہیں سے سہارا ہو کیونکہ کھانا پاننگے تو ورزش بھی کر سکیں گے اور اُس کو برداشت بھی کر سکیں گے - حضور والا اِس مغربی تعلیم نے ہندوستان کو بالکل بزدل بنا دیا اور وہ اِس وجہ سے کہ یہ تعلیم اندھوڑی یہاں رکھی گئی - ہم نے دماغی ترقی کی علمی ترقی کے ساتھ ہی ساتھ اُس کے جسمانی ترقی کا کوئی ذریعہ نہ ہونے کی وجہ سے ہماری تعلیم اندھوڑی رہ گئی اُس کو پورا کرنا چاہیئے اگر ہم میں طاقت ہوگی تو ہم گورنمنٹ

کے مخالف کا اپنی اُس طاقت سے مقابلہ کر سکیں گے - معاف کیجیے گا پچھلی کونسل میں میں نے یہ عرض کیا تھا کہ آج کل کے سیکڑوں تعلیم یافتوں کے سامنے اگر ایک جاہل لکھ گنوار کو کھڑا کر دیا جائے تو سب بھاگ جاویں ہڑی ضرورت فوجی تعلیم اور جسمانی تعلیم کی ہی - ایک مثال میں اُس موقع پر عرض کرونگا کہ ایک طوائف کے یہاں ایک سانب نکلا اُن لوگوں نے غل مچانا شروع کیا کہ کسی مرد کو بلاؤ میراثی جو آئے تو انہیں میں شامل ہو گئے اور کچھ نہ کہہ سکے کہنے لگے کہ مردوں کو بلاؤ - میں کہتا ہوں کہ اُس کونسل میں اُس وقت اتنے اصحاب موجود ہیں اگر کوئی بلا آجائے تو کسی کے اُپر گُرسی ہو کسی کے اُپر میز ہو بھاگنے کا راستہ نہ ملے - پچھلی تواریخوں کو دیتیل (detail) کے ساتھ تو دوسرے فائل اصحاب جو موجود ہیں فرمائیں گے میں اپنے خیال کو ظاہر کر چکا اور میں دل سے اُس ریزولوشن کی تائید کرتا ہوں ساتھ ہی حضور کی اجازت سے اگر بے موقع نہ سمجھا جائے تو تھوڑا سا میں اپنے اُس طرز عمل کی بابت جو اُس کونسل میں اپنی اِسپیچ سے تعلق رکھتا ہے دو منٹ میں عرض کرونگا میں ۶ برس سے اُس کونسل میں ہوں اور میری تقریروں میں ہنسی زیادہ ہوتی ہی میں تو اُس سے خوش ہوتا ہوں کہ میری قدر کی گئی لیکن بہت سے اصحاب نے مجھے سے اُس کا ذکر کیا کہ تم اپنے ٹون کو بدل دو کیونکہ ہنسی میں تمہاری بات چلی جاتی ہی اس کے اُپر کوئی توجہ نہیں دیتا میں نے یہ جواب دیا کہ جن لوگوں نے بڑے زور و شور سے تقریریں کیں اور انگریزی میں تقریر کی میزوں کو پینا اور اپنا چہرہ لال پیلا کر لیا تو کیا کہ لیا اُن لوگوں نے کون سا نفعہ فتح کے سوراخ حاصل کر لیا کہ درویش بہ جان درویش رو دھو کر چب رہے مجھے اطمینان ہی کہ میری تقریروں سے تفریح تو ہوئی اور اُس طرح کا خیال بیجا نہیں ہی اگر میں بہت سمجھوں کہ بہت سے صاحبان نے میری قدر کی ہی اور خود جناب پریسیدنٹ صاحب نے اُن کو اچھی طرح سے سمجھا ہی - ایلکشن کے زمانہ میں میرے پُرانے دوست مسٹر چنٹامنی صاحب نے جب میرے طبقہ کے امیدواروں کی تعریفیں کیں اور (congratulations) دیئے تو میری نسبت فرمایا کہ بڑے (popular humourist) ہیں اُس وجہ سے بھی مجھے آج ضرورت ہوئی کہ میں کونسل پر اپنے خیالات کا اظہار کر دوں - جب مجھے سے لوگوں نے کہا کہ مسٹر سی - رائی - چنٹامنی بھی ایسا کہتے ہیں تو میں نے اُن کو یہ جواب دیا کہ مسٹر چنٹامنی کے اُپر کوئی اعتراض نہیں کیا جاسکتا کیونکہ وہ ہماری اُردو زبان کو اچھی طرح سے نہیں جانتے اور اُس وجہ سے میری اِسپیچ کے نکات اور اُس کا مطلب اور لب و لہجہ نہیں سمجھ سکتے لہذا میرے خیال میں اُن کی نیت پر حملہ نہیں کیا جاسکتا - چونکہ اُنہوں نے دیکھا کہ لوگ مجھے خوش ہوئے اور تفریح ہوئی لہذا یہ نتیجہ اُنہوں نے نکال لیا - مجھے تعجب تو اُس بات کا ہوتا ہی کہ دیسی زبان جاننے والے اصحاب نے مجھے پر کیوں اعتراض کیا کسی نے کہا کہ یہ کونسل کی تفریح کے باعث ہیں کسی نے کہا کہ یہ کونسل کے جوکر (Joker) ہیں اِسی طرح سے بہت سی باتیں کہی گئیں - میں کہتا ہوں کہ مجھے اُن صاحبان پر شرم آتی ہی



[Raja Shambhu Dayal.]

جو اپنی دیسی زبان کے محاورات کو نہیں سمجھ سکتے - پہلے تو میری تقریر ہوا میں معلق رہتی تھی لیکن اب جناب پریسیڈنٹ صاحب کی مہربانی سے اتنا موقع ملا ہے کہ وہ دیکھ کر ہونے لگی ہے - اگر کوئی صاحب میری گذشتہ تقریروں کو پڑھتے اور اُن کے ایک ایک لفظ پر غور کرتے کہ میں نے اُن میں کیا کیا کہا اور تب رائے زنی کرتے تو مناسب ہوتا - بڑے افسوس کی بات ہے کہ میرے مطالب کو کیا سمجھ لیا -

پُرسے کو تم بھلا سمجھے پہلے کو تم پُرا سمجھے

بڑیں پتھر سمجھے ایسی پڑ تم سمجھے تو کیا سمجھے

حضرات - یہ خیال کر لیجئے کہ جس طرح سے میں انگریزی نہیں جانتا اور اُس کی فصیح اور بلیغ اِسپیچوں کو نہیں سمجھ سکتا ویسی ہی حالت اُن لوگوں کی بھی ہے جو ہماری دیسی زبان اچھی طرح نہیں جانتے اور اُس کے مطالب کو اور باریکیوں کو نہیں سمجھتے - ایسے ہم دونوں کی حالت دہی ہے - بھینس کے آگے بیدن بجاوے بھینس کوڑی بگرائے - اُسی وقت سے مجھے خیال پیدا ہوا تھا کہ کم از کم تہوڑے لفظ انگریزی کے جان لینا چاہیئے اِس لئے میں نے جو کچھ اتنے دنوں میں سیکھا تھا کہ - "Mr. President—I rise to support the resolution"

وہ بیان کر دیا - میں نے اِس کے متعلق جو داغبات تھے صاف صاف عرض کر دیئے اگر پھر بھی آپ ہنسیں اور میری اِسپیچوں کی قدر نہ کریں تو اِس کے ذمہ دار آپ ہیں - پھر حال میں آپ صاحبان کی تکلیف فرمائی کی معافی چاہتا ہوں اور میں آپ کے ریزولوشن کو دل سے سپورٹ (support) کرتا ہوں - اِس طرف توجہ ہونا چاہیئے \*

**Pandit Iqbal Narayan Gurtu:** I rise to give my general support to the resolution. I use the words "general support" because I feel, without meaning any offence to the mover of the resolution, that the resolution could have been better worded. There is no doubt that the condition of the physical education of our children, particularly in the schools, is most deplorable, and national interests urgently demand that attention, serious attention, should be paid to the matter. I do not think that there is any difference of opinion on the general principles on this question, between the Government and the non-official members; but one feels that Government could have in the past, and it can certainly now, devote more attention to this matter than it has hitherto done. Two years ago, my friend Babu Vikramajit Singh had moved a resolution in this House, and Government, while extending its general support to the resolution, gave us to hope that it would take up the matter in right earnest. I understand that a committee was appointed by the Government some time ago to go into the question of physical education and physical culture, at least in the vernacular and non-vernacular schools. What the recommendations of that committee are we do not know. It seems to me that it was such an important matter that Government should have taken the earliest opportunity of taking the public into its confidence. But inscrutable are the ways of Government, as are the ways of Providence. Anyhow, we hope that some light will be thrown on this matter in the debate today. I do not know, therefore,

how far the recommendations of the committee will actually meet the wishes of most of the non-official members of this Council.

Let us see what the condition of physical education is today in the schools, in the Intermediate colleges and in the University. In the schools—I am talking of Anglo-vernacular schools—we have what is called Kempster's Drill. People have very distinct opinions about the value of that book. I do not wish to give my own opinion here, but the drill as it is performed in the lower classes is merely mockery. No particular attention is paid to it and most of our teachers are very indifferent about it and the students are still more indifferent. I have no hesitation in saying that the drill as it is performed in the schools is absolutely useless. A few years ago it was only up to class IV that drill was compulsory. It has now been extended up to class VIII.

Then games are practised in a very indifferent manner, and I am perfectly sure that my friend the Director of Public Instruction will admit that sufficient attention is not being paid to games even now in the schools. Beyond the eighth class there is practically not even the vestige of a scheme of physical education, with the result that in classes IX and X, except perhaps for a few students who take part in school games, there is absolutely nothing in the shape of physical education and physical culture. When we come to the intermediate stage of education we find that things are very much worse there. In the universities we have now the University Training Corps, which, however unsatisfactory it may be in the military training that it aims to give, does at any rate give some sort of military training to a handful, whilst in the Intermediate colleges we find that there is nothing of the kind. In those colleges where there are Intermediate classes along with degree classes the students of the Intermediate classes are admitted to the University Training Corps; but in the Intermediate colleges which are separate from the university, there is absolutely no provision, and it seems to me that an institution like the University Training Corps might as well be introduced in such colleges right up from classes IX to XII. It may be said that I am asking for a little too much when I urge that students from the IX class upwards be taken in the Training Corps, but I submit that the idea is not so revolutionary as perhaps at first sight it looks. The matter was considered by the Auxiliary and Territorial Force Committee appointed by the Government of India, and they made the following distinct recommendation. They say:—"In order to achieve the greatest measure of success in this form of national education, it is essential that it should commence at as early an age as possible, when the mind is most receptive. When a man is full grown, it is no easy matter to alter his outlook, and to graft new ideals upon those he has already set up for himself. The seed must be sown before his mind is formed, and for this reason it appears to us that the schools (mind the word "schools" here) colleges and universities offer the most suitable medium through which the first phase of this education could be carried out." Now, Sir, when even the military authorities, who naturally look at things more from a practical and military point of view, realize its great value as an educative factor and consider it feasible to introduce the elementary courses of military drill in schools, I do not see why the Government should not make an earnest effort to introduce such training from class IX upwards. In English and European schools we have military drill in the higher school classes, and so, I trust, it will not be

[Pandit Iqbal Narayan Gurtu.]

said by the Government that it is not possible to give military training in our schools. As has been pointed out by the Auxiliary Committee, the foundations of military training should be laid down at an early age, and I believe we shall today hear from Government a definite expression of opinion on the subject.

As regards the University Training Corps, I am fully aware of the difficulty with which the Government is confronted here. The University Training Corps has been established under an Act of the Government of India, and consequently, unless an amendment is made there, it will be difficult to include classes IX, X, XI and XII in it. But here, again, as the Auxiliary Committee have a distinct recommendation, I fail to see why the Government should not, on the basis of that recommendation, press upon the attention of the Government of India the need of extending the scope of the University Training Corps. At page 21 of their report the Committee observe as follows:—"We have already stated our view that the University Training Corps should be regarded as the foundation of the national army and as the primary means of diffusing military knowledge and training, and that no artificial limits should be set to its expansion. We desire to reiterate this opinion and definitely to recommend that the University Training Corps should be treated as separate from the active sections of the Indian Territorial Force and should not be subject to any limitations on the strength of the latter which may be imposed from time to time in the light of military and other considerations." So that, Sir, the scope of the University Training Corps can be very easily extended if only the Local Government would earnestly take up this question and press upon the Government of India that permission may be given to extend its scope. At any rate, this is a matter which is in the hands of the Government and I hope that we shall have some assurance from the Government benches today that they will take up this question earnestly and seriously.

I am not quite sure whether the mover of the resolution wants that military training should be given to our girls also. I will not be surprised if my friend is a reincarnation of some Spartan and may even go the length of advocating military training for girls also. I shall not be sorry if girls receive military education, but I do think that when he drafted the resolution he would have done better if he had paid some attention to that question also. When he says "higher classes," the phrase means higher classes not only for boys but also for girls and the vernacular schools also. At any rate, let the Government begin in the urban Anglo-vernacular schools for boys and Intermediate Colleges and in selected vernacular schools also. I do not by any means advocate that the system of military training and of military drill should not be introduced in the vernacular schools. It seems to me that in certain respects students in the vernacular schools are better fitted for that work than students in the urban areas. But I realize that it is a question of organization and it may take some time to extend it to the rural areas. But at any rate a beginning can be made in selected centres in rural areas and in the urban areas the scheme can be introduced at an early date. I hope that we shall have from the Government today some idea as to what scheme they propose to follow with regard to this urgent national matter.

**Thakur Hukum Singh :—**

श्रीमान सभापति महोदय और उपस्थित सज्जन वृन्द,

मैं मथुरा के जिले से इस सभा में आया हूँ और इस लिये मैं अपना कर्तव्य समझता हूँ कि मैं जिन निर्वाचकों को और से इस कौन्सिल में प्रतिनिधि बनाया गया हूँ उन्हीं की भाषा में अपने भाव इस प्रस्ताव के सम्बन्ध में आपके सम्मुख उपस्थित करूँ। मैं इस प्रस्ताव का हृदय से और हर्ष से समर्थन करता हूँ जैसा कि प्रस्तावकर्ता ने इस बात की आवश्यकता बतलाई है कि सैनिक शिक्षा भी व्यायाम के अन्तर्गत डाल दी जाय मैं इसके सम्बन्ध में इस कौन्सिल के सम्मुख यह निवेदन करूँगा कि शारीरिक व्यायाम के साथ सैनिक शिक्षा का घेग जोड़ देना अत्यन्त आवश्यक है क्योंकि हमारे शिक्षित समुदाय की यह दशा है कि बड़ी उच्च शिक्षा पाकर भी यदि उसके सम्मुख कोई हथियार रख दिया जाता है तो उसका शब्द होते ही हमारे शिक्षित पुरुष अपने कानों पर उड़ली रख लेते हैं और उनका भय प्रतीत होता है यह कितनी शोक जनक अवस्था हमारे शिक्षित समुदाय की है जिन्हें उच्च शिक्षा प्राप्त है और जो बड़े २ उच्च विचार रखते हैं लेकिन आज हम यह देखते हैं कि कोई लड़ाई या भगड़ा या कोई और इसी प्रकार का अवसर प्राप्त होते ही हमारे शिक्षित लोग और दूसरे लोगों का अपनी सहायता के लिये डूँडते हैं और वह स्वयं अपनी सहायता कुछ नहीं कर सकते हैं इस लिये अत्यन्त आवश्यक है कि शिक्षा के अन्तर्गत सैनिक शिक्षा और हथियार सम्बन्धी शिक्षा अवश्य ही सम्मिलित की जाये। चूंकि हमारा शिक्षा देने वाला समुदाय आजकल शिक्षा के प्रवाह में जाकर नौकरियां तलाश करता है और हमारी गवर्नमेंट के सम्मुख यह प्रश्न उपस्थित होता है कि वह शिक्षित लोगों को किस तरह से काम में लगावे और किस तरह से इतनी नौकरियां अपने पास लावे। एक बड़ा विभाग जो कि सेना सम्बन्धी विभाग है लेकिन हमारे शिक्षा पाये हुए लोग उस तरफ जा नहीं सकते क्योंकि उन्होंने सैनिक शिक्षा प्राप्त नहीं की है और इस लिये उनकी तकलीफें दूर करने के लिये उनके विचार और उनके उद्योग इस तरफ नहीं लगाये जा सकते इस लिये हमारे शिक्षित समुदाय के वास्ते अपनी जीविका के सम्बन्ध में एक बड़ी भारी कठिनाई यह होती है कि वह सेना विभाग को तरफ नहीं जा सकते इससे हमारी गवर्नमेंट के वास्ते एक बड़ी सरलता उत्पन्न हो जायगी जब कि शिक्षा के अन्दर यह बात भी शामिल हो जायगी कि वह सैनिक शिक्षा और प्राप्त करके हमारे प्रेजुएंट लोग तय्यार हो सकें तो इस सन्देह नहीं है कि जहां प्रजा को लाभ होगा वहां गवर्नमेंट को भी लाभ होगा और हमारी गवर्नमेंट की बड़ी भारी चिन्ता मिट जायगी और वह अपने शिक्षित लोगों के वास्ते एक अच्छा मार्ग निकाल सकेगी और उनको नौकरियों में उस तरफ भेज सकेगी इससे एक बड़ा भारी भाग शिक्षित लोगों का जो मारे मारे फिरते हैं उनके लिये एक बड़ा सरल मार्ग निर्धारित हो जायगा। यदि हमारी गवर्नमेंट इसको शिक्षा में सम्मिलित कर देगी तो उसमें गवर्नमेंट का लाभ है दूसरे शिक्षित लोगों का बहुत भारी लाभ है तीसरे देशवासियों का भी बड़ा

[Thakur Hukum Singh.]

लाम है और जहां हमारे शिक्षित अमीर लोग अपने घरों में रात को और के डर की वजह से किवाड़ें बन्द कर के सोते हैं और खटका होते हो सिवाय क्लिपने या कूदने या भागने के कोई उद्योग नहीं कर सकते हैं यदि वह सैनिक शिक्षा और हथियार सम्बन्धी शिक्षा पाये हों तो अपनी रक्षा बड़ी निर्भयता से कर सकते हैं और रक्षित रह सकते हैं इस लिये इस बात की आवश्यकता है कि शिक्षा के अन्दर सैनिक शिक्षा या हथियारों की शिक्षा भी सम्मिलित की जाये।

इस लिये मैं आपका विशेष समय न ले कर यह निवेदन करूंगा कि मैं केवल इस विचार से खड़ा हुआ था कि अब तक हमारे बहुत से उच्च विचार के सज्जनों ने अपने २ विचार प्रगट किये थे परन्तु वृजभाषा में किसी महाशय ने कुछ नहीं कहा था जिसकी इस कौन्सिल में आवश्यकता थी इस लिये बावजूद इस के कि मेरे बहुत से साथियों और उच्च विद्वानों ने इस विषय में उच्च विचार आप के सम्मुख रख दिये हैं परन्तु मैंने अपने छोटे तथा तुच्छ विचारों को उस भाषा में रक्खा है जिसको मैं बोलता हूं और जिसको मेरे निर्वाचक लोग बोलते हैं अर्थात् उस स्थान के लोग जहां मेरा निवास अधिकतर रहता है इस लिये मैं इन थोड़े शब्दों में इस प्रस्ताव का समर्थन करके बैठता हूं ॥

**Mr. E. Ahmad Shah :** The amendment which I beg to move runs as follows :—

“In clause (a) of the resolution omit the word ‘military’ before the word ‘drill’ in line 3, and the words ‘and the use of fire-arms in higher classes’ in lines 3 and 4.” \*

I further beg to move that the entire clause (b) be deleted. The resolution as amended will read as follows :—

“That this Council recommends to the Government that physical education, including training in drill, should be made compulsory in educational institutions recognized by the Government.”

Sir, I must clear my position before I support my amendment. I have omitted the word “military” for one reason and one reason alone, viz., that I am against militarism altogether. That is a spirit which has been tried by a once great nation of Europe. They introduced this military training from top to bottom of their educational institutions. The result that it has produced in the world was evident in the last great war. I am not against physical education in the least, but, on the other hand, I emphasize it with all the power that I can command.

I am given to understand by the honourable mover of this resolution that two years ago a resolution was moved in the House to the effect that physical education should be made compulsory. A committee was appointed at that time which was trying to work out a scheme whereby physical education might be made compulsory in the educational institutions of these provinces. It has been said that the whole scheme ended in smoke. I am not aware of the internal affairs of the committee, just as the honourable mover of the resolution is not. But still I can infer from some of his remarks that the Government are trying to do something in the way of bringing about physical education and encouraging physical culture by offering scholarships. I do not agree that when such scholarships are awarded training must necessarily be

obtained in the West. But inasmuch as the Government have shown their intention to encourage physical education, at present by offering scholarships whereby people may be trained they are doing something. I am not standing here to support the position of Government. I am a non-official member. But wherever we find some activity in that direction by Government we should not close our eyes to it. So I would not say that the whole scheme has ended in smoke. Something is being done, and we hope that still more will be done, owing to the resolutions that we pass from time to time. It must be admitted that Government will move and are moving in the matter. I said that oppose militarism. I may explain that position still further. The honourable mover said that the power of the people lies in military organization. This is another statement from which I beg to differ. If the power of the people lies in military organization, then the fate of such group of people will not only be like that of the great power of Europe, but like the fate of the great ancient power which was referred to by the honourable mover, namely Sparta. Military organization is of some use, but it should not be made the sole and the complete basis of one's nation. I would allow military organization to operate, and that allowance is already provided for in our educational institutions in the higher classes under the University Training Corps. I also agree with the supporter of this resolution, Mr. Iqbal Narayan Gurtu, that military training should be extended to some other groups of classes as well. But as at present some provision is made for the military training of our young people, I for one do not wish to allow it to be introduced wholesale into our educational institutions, as the honourable mover suggests, that is, I would not allow this military training to be introduced into all. I would allow it in some. Government have allowed it in the university. Let us hope that the Government will see its way to extend the scope of military training to the Intermediate colleges in the near future.

The supporter of the resolution, my honourable friend Paudit Iqbal Narayan Gurtu, has already referred to the case of the education of girls in our provinces. There was no mention in the original resolution by the honourable mover about the education of girls. I do not know whether girls were meant to be included. Perhaps they were. But the military training that is being imparted to our military forces in India as well as in other parts of the British Empire, that type of military education, I for one will certainly never advocate for our girls in the educational institutions of these provinces. Therefore the introduction of military education in as much as it affects the education of girls should be carefully avoided.

I am speaking specially of the military education of boys. I have asked in my amendment that the word "military" be deleted for this reason, that if it is introduced without any distinction of the physical capacity of our boys, instead of doing good, it will be positively detrimental to the physical development of young boys. We should be very careful to make it compulsory for all. Mind you, I am only safeguarding its introduction for all. I am against that. I am for its introduction for some, as has already been done, and its introduction may be extended. But to introduce it from top to bottom is a harmful

[Mr. E. Ahmad Shah.]

thing. Already references have been made that the physique of our educated people is not very strong and the physique of our students is not very strong. If with such physique you introduce military training, a large number of boys, who would otherwise grow up normal men, will deteriorate under the pressure of that military training. Therefore while we emphasize the introduction of it, we must not lose sight of the interests of our young boys. We must see that it is not detrimental for the average boy. All are not fitted for it. I notice from the amendment that stands in the name of my honourable friend Hafiz Hidayat Husain.

**Hon'ble the President :** That is not before the House. It has not yet been allowed to be moved.

**Mr. E. Ahmad Shah :** I am sorry, Sir. There is a definite suggestion that the introduction of military training be brought about after a certain age. That is a plausible suggestion. But to introduce it without any such definiteness will be introducing a thing whose consequences we are not properly gauging.

(Here the honourable member began to speak in Urdu, but was stopped by the Hon'ble the President.)

**Mr. E. Ahmad Shah :** I bow to your order, Sir. I only wanted to make my position clear to those gentlemen as well who profess their ignorance of the English language, but since you order me not to do so, I submit. I continue my remarks with the hope that some of them may be clear, if people who have not followed this language try their best to follow it. I for one can follow all the three dialects of these provinces. Therefore I was prepared to speak in the three different dialects. I will now cut short my remarks by saying that there are three different objectives with which I move this amendment.

- (1) It is too much for our boys, and positively out of place for our girls.
- (2) All are not fitted for it.
- (3) Our aim should not in any case be to turn out everyone a military man, that is we should never aim at general and wholesale militarization of our education.

With these remarks I beg to place my amendment before the House.  
*The Council was then adjourned for lunch.*

*After the recess—*

Rao Krishanpal Singh of Awagarh made the affirmation of allegiance to the Crown.

**Hon'ble the President :** The amendment moved by Mr. Ahmad Shah is to omit the word "military" before the word "drill" in line 3 and the words "and the use of fire-arms in higher classes" in lines 3 and 4 of clause (8). If this amendment is carried perhaps another amendment need not be moved.

**Rai Bahadur Babu Vikramajit Singh :** I rise to oppose the amendment of Mr. Ahmad Shah and to support the original motion. I am glad that my honourable friend from Allahabad has tried to infuse some

martial spirit in the Council. Last year the Council was concerned with the establishing of a college for music, it was also concerned with the fine arts. This year I hope we will devote our attention more to physical culture and to military training than we did in the last Council. My honourable friend from Allahabad has called my resolution which was moved two years ago a timid one. I plead guilty to the impeachment, but it was only the thin edge of the wedge and it was left to him to come and improve my resolution by adding military drill with fire-arms, and I welcome it. I cannot understand why my friend Mr. Ahmad Shah should have moved his amendment and tried to oppose this resolution, as this resolution is intended to improve the physical culture of the students and to give them some military training. As far as my information goes, there is only one school in Dehra Dun which gives instruction in military training and I am informed on the best authority that it is exceedingly expensive. A friend of mine informs me that he sent his son to that school at the age of 12 and kept him there for six years and that he had to spend some Rs. 3,000 a year, and now he has to spend another Rs. 12,000 to send him to England, to receive military training in Sandhurst College. That means that in order to prepare one boy for military occupation one has to spend more than Rs. 30,000. I think, Sir, it will also solve the question of unemployment if this military training was made compulsory in schools and colleges. Now we find that people have got to go in either for clerical line for services or for professions. They are not fit for taking up service in the Army or military work ; but if this training was made compulsory in schools and colleges a number of students and boys would be in a position to take up occupation in the Army, and I do not see any reason why our boys should not more and more join the Army. At present the scope, as I have just submitted, for one being a commissioned officer in the Army is very very narrow indeed, but if this training is made compulsory, a large number of students or, at any rate, a good proportion of them will be physically fit and will have the necessary training and equipment to join the Army. That will improve the position of our countrymen and it will also solve, to a certain extent, the question of unemployment. It is hardly necessary for me to put forward arguments in support of this proposition. The resolution that was moved on the previous occasion was carried unanimously by the House, and it was urged by some of the speakers that that resolution has not been given effect to. There is no doubt that the Government appointed a committee and I was a member of that committee. The report was submitted, but I do not understand why the report was not published. I do not think that this is a secret document after all. It contained the recommendations of the committee which sat in order to propound a scheme and if that scheme was propounded or recommended by the committee, I think it should be public property and any member of the public ought to be entitled to see it, and make his own observations on it, so that the Government may be able to get the advantage of having the criticisms and the remarks of well-informed people or members of the public.

It has also been brought to the notice of this House that one or two scholarships were intended to be given to the people to learn physical culture in other countries. I do not think that that scheme would really be very successful in improving physical culture in schools. It is necessary that a very large number of students should be given physical



[Rai Bahadur Babu Vikramajit Singh.]

training and, along with it, if military training is given as it is given to European students, that would be found very useful. Therefore, Sir, I have no hesitation in opposing the amendment of Mr. Ahmad Shah and supporting the original motion. There is only one other point which I have to mention in connexion with the original motion that my friend from Allahabad has made, i.e., in regard to teaching wrestling in schools. It appears to be not a very practical proposition that wrestling should be taught to boys while they are in school under the supervision of a school teacher. But I think any other kind of physical training which will fit them and develop their body would be more helpful. One other question was raised, namely, whether the honourable the mover meant that this training would also apply to the case of female students. I do not think that my honourable friend meant that this would apply to the case of female students. I believe that throughout his speech he was dealing with male students and not with the case of girls, and considering the present state of the country it is not desirable to extend it to female students. I therefore wholeheartedly support the resolution.

**Khan Bahadur Hafiz Hidayat Husain :** Speaking on this resolution I find myself in some difficulty. I cannot support the resolution in its entirety, nor do I think I will be justified in opposing the spirit underlying the resolution. I cannot support it because the resolution has been worded in rather ambiguous phraseology and does not cover the ground which I should have liked it to cover. There are also other difficulties in its acceptance. The difficulties in the introduction of military drill were pointed out in the discussion that took place in March, 1925, by Mr. Mackenzie the learned Director of Public Instruction. He had also explained then that it was physical development, and activities such as boys scouts movement that really mattered. What I feel is that it would not be easy to find instructors who would be able to give instruction in military drill and in the use of fire-arms in schools situated in outlying places. For instance, if a school is situated in the mutassil when there is no cantonment or police lines I think it would be very difficult to find military instructors able to instruct boys and find accommodation for the storage of arms. The resolution further says that military drill and the use of fire-arms should be compulsory in higher classes. Higher classes might mean lower classes in some schools when they have classes only up to 5th or 6th and in some schools the 8th or 9th class may not be a higher class.

**Mr. C. Y. Chintamani :** Are we discussing the resolution or the amendment ?

**Hon'ble the President :** We are discussing both, but an honourable member cannot speak more than once.

**Khan Bahadur Hafiz Hidayat Husain :** Then there is the question of age. There is now no limit of age for the Matriculation or the Intermediate Examination and to give lessons in fire-arms in schools to young boys without any attempt to carry the proposition further up would be meaningless.

Coming to the amendment of Mr. Ahmad Shah, I do not share with him his apprehensions.

It is not a military dictatorship that this resolution seeks to set up in this country; it does not require that every person shall give up his old avocation and take up soldiering. What this resolution aims at is that India should be prepared for self-defence. If you are not prepared for self-defence, you can never be prepared for self-government. Self-defence and self-government go together. What is really wanted is that in schools we shall have physical culture and development and in colleges and universities we shall have military training which would fit us for military duties so that we may be able to take them up whenever we may be called upon to do so. Sir, Mr. Ahmad Shah has given three reasons why he cannot support the expression "military drill," but if we confined ourselves only to the spirit of the resolution, our purpose will be achieved. The position is this. India has been clamouring for military preparedness of its manhood and in feeble response to that clamour, the Indian Territorial Force was created. The strength of the territorial force which consists of provincial battalions and University Training Corps, is 20,000. Now, for all the universities in this province we have got a battalion of 1,000. If we take the figures of the Allahabad University alone, they come up to 2,367 students out of whom 1,152 are internal and 1,215 in the associated colleges that will now be affiliated to the Agra University. Therefore, even if we take the internal side students of the Allahabad University alone, the figure comes to 1,152, while the actual strength is confined to 1,000. The other universities in the provinces are entirely left out. Therefore, can it be said that anything serious has been done to prepare Indians for military duties and to equip them with military training?

In connexion with the resolution that was discussed in 1925 the Director of Public Instruction in a very sympathetic reply laid before the Council three difficulties that related to schools only. The first difficulty was with regard to dietary and the price of it, the second difficulty was with regard to clothing, and the third difficulty was with regard to the finding of instructors. The reply of the Secretary in the Education department was equally sympathetic, but the outside world yet remains absolutely in the dark as to what steps the Government have so far taken to effectuate the resolution that was eventually passed, even for the schools. If the Government had been considerate enough to take into confidence the people in the steps that they were taking or meant to take to remove physical deterioration and had declared their intention to advance the country in the line of self-defence, and thus in the line of self-government, then my submission is that a good deal of misgiving and doubt about the intentions of the Government might have been removed. We still, therefore, think that the Government is not doing exactly what it should do. It is not giving our students the training which is required to equip them for the struggles ahead, and which is required to make them worthy citizens. Therefore, although I do not think that I can support every word of this resolution, still, looking at the facts before me, I must say that I entirely support the spirit of the resolution that has been moved by my friend Mr. Dube.

**Babu Sampurnanand** began to speak in Hindi.

**Hon'ble the President:** Can the honourable member not talk in English?

**Babu Sampurnanand :** I bow to your ruling, Sir, and shall speak in the alien tongue and not in the national tongue.

I rise to support the resolution moved by my friend, Mr. Dube. The first point that we have to consider is, what are the facilities that have been provided at present for physical education? To my mind they do not exist at all. I know the Educational Code provides that some fifteen courses of drill have to be gone through by a number of classes, but it is my experience and I believe it is the experience of every member here that that drill is most perfunctorily performed. So far as the higher classes are concerned, they do not take any interest in it. The Code insists, the inspecting authorities insist, on every school having a sort of a playground, but we know that most schools do not go beyond the minimum insisted upon by the Government and that minimum can hardly meet the needs of the good schools. There is hardly a playground where at any time more than two or three teams (which means about 44 or 46 students) can take part in the usual games and that is very little indeed. I know there are certain schools in Benares—probably there may be some schools in other districts also—which go in for a certain amount of what they call *deshi kasrat*, wrestling, and so on, but there is no uniformity, there is no system, there is no supervision, there is no inspection by the Government; I might even go so far and say that there is practically no provision for physical education, therefore there must be compulsion. Students should be forced and the school authorities must be compelled to arrange for this. This will incidentally also break down the prejudice of parents and guardians who seem to think that education is synonymous with mental gymnastics. Some time it may be found necessary to show as to why we should have military drill and training in the use of fire-arms in the syllabus. There are several reasons. Of course, it goes without saying that if you have military drill and training in fire-arms, there will be a sort of military discipline introduced which is so very necessary, and I hope everyone here will realize the great importance of this in our life. There is bound to come a day when the University Training Corps will be extended and boys who have received the sort of training which we contemplate in this resolution will be very efficient members of this training corps. A time will also probably come when our universities will have officers' training corps as they have in England and the students who have received the training contemplated by this resolution will be members of that corps. That will provide candidates for the Indian Sandhurst if and when that institution comes into existence. It is idle to expect that our young boys of 16 to 18, viz., boys reading in the 9th, 10th, 11th and 12th classes of our schools and colleges, will take an interest in the sort of drill that is being taught in the schools. It is too mechanical, too lifeless. But this military training is something which will enlarge their minds and ennoble their emotions and feelings.

I believe many of us must have followed the interesting evidence that was tendered before the Skeen Committee by professors—I at least did so. We all know that, among other things that, these witnesses said—most of them were military officers, educationists and public men of repute—the one was that what our young men are most lacking in is what they call character, of course character not in its narrow sense but in its wider sense, that is, public spirit, that spirit of self-sacrifice, that spirit to take the initiative, to take responsibilities, and so on, and

it goes without saying that some military training is necessary for the development of this sort of character. In this connexion I should like, with your leave, to read an extract from the recommendations made by the Territorial Force Committee. At page 33 of this report it is said :—

“ In order that the education of the people of India in the principles of patriotic military service may be as complete as possible, we think it desirable that physical training, accompanied by some form of military discipline, should be adopted as part of the routine of all schools. We commend to the educational authorities in all provinces the desirability of employing for this purpose military pensioners as instructors. We recommend in this connexion that private and aided schools should receive assistance from local Governments towards the expenses of such training or of any cadet corps which may be formed in them. Courses of instruction of the kind indicated will not only fit boys to obtain the fullest advantage from University Training Corps training if they proceed to a university, but will also benefit those whose education ends at school, by inculcating some idea of discipline and of public duty, and by improving their physique ”

This is what a committee appointed by the Government says, and I hope its recommendations will carry due weight with the members of the other side.

Then it may be said that after all the people of India are divided into what are called the martial and non-martial classes. Sometimes it may be said that the duty of defending the country will mostly fall on what are called the martial classes and therefore it is no use trying to give this sort of training to people who will not ordinarily take up this kind of work. In this connexion, I would only say that this sort of division is artificial and in support of what I say I would quote the words of His Excellency the Commander-in-Chief, Sir William Birdwood, uttered in the Legislative Assembly on March 4, 1925, during the course of the budget discussion. He said :—

“ Hardly a month passes without my getting petitions for receiving deputations from classes who can find no room in the army.”

This means that at present every class of Indian people wants to take up the duty of defending the country and that is all the more reason why every class should get this kind of training. There is yet another reason which, I hope, will appeal to every member of this House, at least to every Indian member of this House. We all know what anxious days we passed during the late Great War. The military training contemplated by this resolution will be useful for our defence if and when the need arises. It is possible that another war may come in the near future. At any rate such war may come in the near future and we must be prepared for it. We know what the Romans did in Britain. When they felt that they could not have Britain they went away to their homes. Who knows such a day may come to England and in that case we must be prepared to defend our own country. The Englishmen will go away to defend England. Here, again, I may quote some authority. I will give some extracts from the report of the Mesopotamia Commission. On March 14, 1925, the Army Council stated its opinion to the then Secretary of State, Lord Crewe :—

“ The maintenance of British rule in India is a duty of high importance . . . but it is not a duty which claims to be paramount over all others.”

This clearly means that there is a higher duty and that could only be the duty of defending England. This is quite natural. There is, again, a significant passage in the report. The Government of India had

[Babu Sampurnanand.]

written :—“ It is no use to suggest to us that we should take further risks in India ” The Commission took Sir E. Barrow, Military Secretary of the India Office, to task for this and asked him :—“ Does not that indicate a rather curious spirit in dealing with this European War ? ” “ Do they put India first and England second ? ” And he replied :—“ It was rather right.” This clearly means that if and when such an emergency arise, and it may arise any days, India would certainly come second, a very bad second, and England would naturally come a very good first. Therefore, if and when such an emergency comes, and as I said it may come any day, we shall have to stand on our own legs. The people trained in this way will form the nucleus around which our trained young men will gather and form the centre of a national army which will take upon itself the duty of defending the country. We must look to what is done elsewhere. Here I have in my hand the book “ Military Training of Youths of School Age in Foreign Countries ” published by the Government Printing Office, Washington. It gives details of 19 countries, leaving, of course, the United States, and I find from this that in 12 of these countries including France, Germany, Hungary, Switzerland, Sweden, Norway, Italy, Russia, Greece, Japan, Bolivia, etc., military training is compulsory for boys of school-going age. There is one country which I have not mentioned, it is Australia. British imperialists believe that the condition of Australia is very precarious. It has very powerful neighbours who have their eye on it. This may or may not be the case, but we know what the condition of India is. There is, of course, the Frontier. I am not an alarmist. I do not believe for a moment that Afghanistan will swallow up India. But all the same we know what the condition is. Then there is China. If I were to quote from that very interesting Government publication “ India in 1924-25,” the people of Siam are very strong and very well organized. At present they are engaged in fighting one another. That is to say, Siam has a very efficient army. This means that we are surrounded on all sides by powerful armies and therefore it is our duty to train our young men. In Australia military training is compulsory for boys of 12 to 14 years age. They are called junior cadets. They are taught miniature rifle shooting, swimming, running, exercise in organized games, first aid, elementary signalling, and so on. Then there is a higher syllabus for boys of 14 to 18 years age. They are called senior cadets. If that sort of thing is being done in that country of Australia, why should that not be done in India ? Of course there are many considerations : there is the financial aspect of the question. We want the thing to form an integral part of the syllabus and therefore it might be necessary to modify the other parts of the syllabus. Then there is the question as to what kind of exercises should be provided. What are the classes which are to have this training, and so on. That forms the second part of the resolution and as that cannot be discussed before the House a small committee will have to look into this question and I hope the Government will accept the suggestion for this committee. This resolution is, we may say, a test, an acid test, of Government's sincerity. We are always being told that we cannot defend ourselves ; we are always being told that we want office but are not prepared to shoulder responsibility and the drudgery of defending the country. Here is a resolution which if you accept will

put responsibility on us. Try it, accept it. It will be no use to shirk the resolution by saying this is an all-India question. If the Imperial Government takes no initiative, if other provinces are not going to take the initiative, there is no reason why we should not take the first step. With these few words I support the resolution, and I hope the House will support it unanimously.

**Mr. A. H. Mackenzie :** The Government have been accused by several members of being lukewarm in regard to this important matter. Let me remind the House of the terms of the resolution which was moved by Rai Bahadur Babu Vikramajit Singh in March, 1925. The resolution was : "That this Council recommends to the Government to take steps at an early date to make physical training and drill without arms compulsory for all male students who are physically fit and are receiving instruction in the Vernacular and Anglo-Vernacular schools and in the Intermediate colleges of the United Provinces, and arrange for such training in consultation with experts." Now, Sir, I believe that my friend the honourable mover of the resolution will agree with me that that resolution was good as far as it went. It was the first step in the direction in which he wishes the House to proceed. The Government have been accused of not having taken that step, of having slept over the resolution which was passed by this House in March, 1925. I think we made a mistake, a grave mistake, in not publishing the reports of our committees. The fact of the matter is that we are a very modest department. There is much good which we are continually doing that the outside public know nothing about. But I have learnt my lesson, and I can assure the House that any good we do in future will be duly advertised. It is necessary for me then, as the department has not published what it has done in this important matter, to explain to the House what we have done. As soon as the resolution was passed, we appointed a small committee of experts, together with Pandit Debi Prasad Shukul, a layman of Allahabad, who has taken great interest in this matter. We appointed this committee to work out detailed preliminary proposals. The committee went into the matter in great detail, and their report, which I have here, will shortly be published for general information. The recommendations of the preliminary committee were then placed before a representative committee which included military experts laymen, members of this Council, and educational authorities. There were on that committee three members of the Educational department, the headmaster of an aided high school in Cawnpore, Lt. Mukerjee, Commanding Officer of the Lucknow University Training Corps, Lt. Brij Bahadur Singh, Secretary of the district board, Sultanpur, R. B. Babu Vikramajit Singh, Maulvi Muhammad Obaid-ur-Rahman Khan and Pandit Debi Prashad Shukul. That committee reviewed the proposals of committee, and they made certain recommendations to the Government. The main recommendations were as follows :—

The first recommended that our entire scheme of physical training should be revised, that we should have courses of study drawn up for the primary section, separate courses for the middle section, and more advanced courses for the high school and intermediate sections. They suggested that throughout the whole of our educational course from the primary stage to the intermediate stage there should be a progressive scheme of games, physical training and drill. Pandit Iqbal Narayan Gurtu has said to us that there is no reason why in our educational

[Mr. A. H. Mackenzie.]

institutions we should not impart the first steps of military training. That was one of the recommendations made by this committee, a recommendation which the Government are prepared to accept. The committee recommended that in the middle section there should be preliminary drill, in the high section squad drill, and in the intermediate section platoon drill. Further, the committee went on to say that in all classes, from the primary stage to the intermediate stage, physical training should be compulsory and that the time given to it should be extended. These recommendations the Government have accepted.

But the crux of the whole question of physical training in schools is the training of the teachers. The present instructors whom we have in Government and aided schools are not qualified to give physical training along the lines which the House recommended when they passed the resolution of Rai Bahadur Babu Vikramajit Singh, or along the lines which honourable members now desire. The committee which considered this matter therefore laid great stress on improving the system of training instructors. They recommended that in this province, as I believe is the case in the Punjab and in Madras, there should be a provincial superintendent of physical training. They recommended also that in our training institutions there should be a special provision made for the training of teachers deputed from our various Anglo-Vernacular schools and also from the district boards in order that this improved system of physical training might find its way into every school of the province.

The report of that committee was received in May, 1926. The Government took action on it in July, 1926. Their first step was to provide in the schedule of new demands for the pay of a provincial superintendent of physical training. If funds are made available that appointment will be made next financial year. Secondly, the Government through the department addressed all aided and Government schools in the province, laying special stress on some of the recommendations made by the committee which examined this matter. We have impressed on the schools that pupils should be made to take part in games regularly, that attendance should be taken, and that absentees should not be exempted by the headmaster except for good reasons. We have also suggested that competitions should be held in individual schools, and in the case of vernacular schools, in the districts.

These, however, are only some of the minor recommendations to which we have been able to give effect. We cannot give full effect to the recommendations of the committee until we have available a number of trained instructors. In order to secure trained instructors Government have decided not only to appoint a Provincial Superintendent of Physical Training, but also to send two of our students to England for training in physical culture. That is a proposal which was criticized by the honourable mover. It is necessary, therefore, that I should explain to the House why it is that we wish to send students to the West. Those who have given attention to this matter of physical training must realize that physical training requires scientific study just as much as mental training. In India there is no institution which has taken up the study of physical culture in a scientific manner. In Great Britain there is only one such institution that we know of, that is in Dunfer-

line. That institution was founded by the millionaire Carnegie. He had the foresight to see that the efficiency of a nation greatly depends on the physique of the younger generation, and he therefore founded this important training school of physical culture. We believe that if we send our students there they will come back with scientific knowledge of physical training which they will be able to apply to the conditions of this country. We do not, by sending them to the West, suggest that they should import from the West Western systems of physical exercises. In fact, we shall urge upon them to take up the question of adapting Indian systems to the conditions of our schools, to adapt them to suit various ages of pupils and to arrange the exercises in such a way that they are taught in a scientific manner in order that the students may secure from them the utmost benefit.

As I have already said, Government will publish the reports of the two committees which have examined this question. As the House will see from what I have said, the department have taken prompt and energetic action. We have planted a seedling, and, if the House will provide us with the necessary funds, I believe that it will grow into a tree. But I would beseech the House not at this stage to appoint a committee to pull up our seedling to see what it looks like. Let them leave the department now to get on with the work which was entrusted to it by the last Council. I believe that if we are left alone to proceed on the lines on which we have been working, members of this House will have no reason to be dissatisfied with the results.

**Mr. Mukandi Lal :** The Hon'ble the Director of Public Instruction did not state clearly whether he was opposing the resolution or supporting it. Indeed, he made an effort to convince the House that the Government had achieved wonders in the matter of physical training, but we do not know yet what those wonders are. The Hon'ble the Director has just stated that, in pursuance of a resolution passed by this Council in March, 1925, the Government appointed a committee, which made certain recommendations on which it is said that they are acting. Mr. Mackenzie thought this resolution was going to interfere with the work of that committee. He has, however, not apprised the House of the reasons why he considers that the present resolution nips in the bud the plant that has been sown by the Education department and which they hope will grow into a gigantic oak.

Sir, about the value of resolutions passed by this House we know too well indeed. We may pass any number of resolutions, but it solely depends on the sweet will of the Government to act according to them or not. In any case our duty is to place before Government the desire of the people and it is no concern of ours whether they do theirs or not. Sir, while introducing the Indian Territorial Force Bill in 1920, the Commander-in-Chief said that their object was that in time of need the almost unlimited man-power of India may be utilized to strengthen the military forces of the country on a scale commensurate with its vast population. Further, the object of the Bill was to give the Government the means of judging whether there is any real desire for military service on the part of classes which have hitherto not been recruited. Sir, by introducing this resolution today our object is also to prove to the Government that we are ready to shoulder our responsibilities. The Government have said time and again that we Indians



[Mr. Mukandi Lal.]

are not fit for self-defence and so we cannot be allowed to administer the country. Today we wish to tell them that we are only too ready to do our part of the business and that we eagerly desire to take our share in the defence of the country.

The primary aim of education is to prepare a citizen to do his duty to his country, and that duty is two-fold—first, to glorify the country and, secondly, to defend it against foreign aggressions. When I make a reference to foreign invasions, I do not mean that we expect an invasion every day from the West or from the East, but I do submit that it is the primary duty of every citizen to prepare himself for the defence of the country should an emergency arise. It is no education which does not prepare citizens to perform two primary duties, viz., to glorify their country and to protect their country. Since the days of Macaulay we have been educated in Western ideals and we have been imparted European education. I should rather say that we have been following the shadow of Western ideals and Western institutions, but the substance has been denied to us by the Government.

It has been pointed out by my friend from Benares that there were twelve countries in the West where from the age of twelve the children are taught how to use arms and receive military training. Is it not extraordinary that although we have a military institution at Dehra Dun, the use of arms is not taught there to cadets and yet it is supposed to give military training? It is with a view to remind the Government that we are not satisfied with the physical training given that we have brought forward the resolution in question.

We are told, Sir, time and again by the Government :—“ You Indians lack in discipline and organization. How can you have *swaraj* ”? I say to them: “ You have deprived us of those institutions which alone can train us for discipline, which alone can train us to obey the order of the commander, which alone can train us how to protect our country and to safeguard our country's honour. You have Indian soldiers from the masses. But when it comes to the intellectual section of the country, which alone can realize the value of military training, you deprive us of that education. We want the Government to give our children the benefit of military training, so that they may learn discipline and know that it is their duty to sacrifice their comforts for the sake of the country. But, I ask, where is that institution which can teach our children these good things? We may have one or two political parties like the *swaraj* party which teach us organization, discipline and self-sacrifice, but such institutions can affect only politicians. I say to the Government that our education is in their hands and urge them to give our boys and girls the right type of education so that they may learn to defend their country.

We are told over and over again that expenses on the military do not concern the provincial exchequer, but I say that ultimately they fall on the provinces also. Our country being a vast country, we cannot depend upon mercenary armies, but we want every Indian to be a disciplined soldier. I do not mean to say that we should prepare the nation for militarism and aggressive warfare, but for defence purposes. I may say that I fully appreciate the sentiments of my friend Mr. Shah,

and I am glad that he is a true follower of Mahatma Ghandi and a pacifist. He has pointed out to us the example of Europe. But I submit that until the whole world is pacifist, we are bound to need the help of our soldiers to defend our country.

There is another point which is involved in military service. That point was brought out by the Auxiliary Force Committee which has been quoted so often in this House during the course of this debate and I will not repeat those quotations. I may however tell the House that that committee thought that military training would be useful in building up a nation. The Auxiliary and Territorial Forces Committee has said :—" Their training in the principles and the practice of military service will not be limited to themselves, for, when they go out into the world, they will, if their military training has been adequate, take with them the spirit of patriotism, the sense of discipline, and the improved physique which will be their legacy from the University Training Corps, and their example should serve to inspire a widening circle of the people of India with a sense of the benefits which fitness for military service confers both upon the individual and the community as a whole."

Now, Sir, military training includes the use of fire-arms and it is that object which this Auxiliary and Territorial Forces Committee had in view which they have brought to our notice. Sir, we have been told that we are being trained in Western ideals. They are your ideals. In the Indian University Corps you do not follow that ideal. If you have got the same ideal as that prevailing in Great Britain, then the University Corps should be open to every young man who desires to enlist in it. But you will not allow this. You will not allow every one to enter your University Corps. You put limitations on numbers and qualifications of students who may be allowed to join the University Corps. Again, I call it no military training in the University Corps so long as you do not allow them the use of fire-arms. Therefore, Sir, I commend the resolution that has been moved by my honourable friend Mr. Dube to the acceptance of this House, and I say that not only do we desire physical culture and physical training, whether it may be Eastern or Western but we desire that a definite system of military training may be introduced into the higher classes of our schools and colleges including the use of fire-arms.

**Thakur Manak Singh :** In the speech of the Hon'ble the Director of Public Instruction not a single word has been said with regard to that portion of the resolution which recommends the use of fire arms. Sir, if a catalogue of the misfortunes of this country were to be made the tale of continuous and consistent physical deterioration of this country would be about the saddest. It is a very sad commentary, a very sad commentary indeed on 150 years of British association with the administration of this country. That individual known as "Indian" lives normally to the age of the 22 alone. The whole question at present is this. With regard to civilization, our civilization consists of mental, moral and physical development. When I talk of civilization, I talk of mundane civilization. The connexion of the British administration with regard to mental development may be regarded as feasible. With regard to the other two elements of civilization, namely, physical and economic, it has been a total failure. And the reason is obvious.

[Thakur Manak Singh.]

Although India has supported relatively the costliest administration, nevertheless the British people, who are supposed to have the genius for administration, have failed to increase by an iota the physical capacities and the economic capacities of this land. And the reason is obvious. The British genius in India had been absolutely satisfactory on all matters in which there is no opposition of interest. If it has failed, and failed hideously, it has failed on matters where there is an opposition of interest between those of India and England. We are all aware of the existence of the interest of England and Britain with regard to matters economic. We have got to be aware, if we are not already, of the existence of the interests of Britain in India. We know from our every-day experience (if the language is not unparliamentary) that the moral shown is cowardly, the intentions and designs and the aims of British administration in this country are deemed to be such that they cannot be protected without keeping the manliness of this country in abeyance.

**The Hon'ble the President :** I am afraid the honourable member is exploring too wide a field for 15 minutes.

**Thakur Manak Singh :** No, Sir, I am coming to it. What I meant to say was this, that we have all been beating about the bush with regard to the portion of the resolution which seeks to recommend military training. The whole question is this, that there is a question of interest involved in it, just as in matters economic the Government have made up their mind to increase the association of Indians after a particular solution of theirs. They have come to the conclusion as to how they will solve the question which is involved by giving military training to Indians as well as safeguard their own interests in the government of the country. Sir, in matters economic it has been solved by supposing that ultimately if India grows rich it would be then profitable to England, so matters of political advancement have been made on that supposition. With regard to matters military, England poses to be the trustee, but it is a trustee without a trust. Here in India military policy bespeaks want of trust and want of confidence, inasmuch as even the use of fire-arms for purposes of defence is almost not allowed. How is then British administration to do its duty in this country if that policy is not to be departed from? In India we know that, so far as the most vocal political party is concerned, what is called non-violence, has come to stay. The question is this, whether they would shake off their distrust first or Indians would begin to love them first. The loveableness of the administration of this country would depend on their behaving in a manner consistent with the greatest interests of the country, and further the Government's attitude of freedom would depend on the people's loving attitude towards the Government. One of them must come first, and without beating about the bush one point is that Government should make up its mind to shake off all fear, and if they are going to appropriate the affection of this country, then they have to take their courage in both hands and give military training. When people know that they command their confidence and the Government seeks our good-will and seeks to appropriate our affection, that would be a good day for us all.

With regard to this nothing has been said in the discussion today. I think it is most important. Consider the man power of India: it is one-fifth of the world, as the mover of the resolution has said. If this proportion of the population received military training it would stagger humanity. Consider one single province of India being as big as Germany or England. If the men of this country are trained and receive military training we may be perfectly sure that with this population and resources we shall stagger humanity. They have only to make up their mind as to whether they will trust the people of this country. If the aim of the administration is to develop this country for the interests of the country, where is the reason for their fighting shy of giving military training to all these people? We are aware that a committee was formed which made its recommendations, but it all related to physical drill and physical training, and so on. These are very good things so far as they go, but what is the reply to the question of military training? I think we must unanimously recommend to the Government that a beginning should be made in the matter of giving military training. All that has been done so far is in the nature of a will-o'-the-wisp, and unless and until the sinews of the nations are built up, nothing can be done. A sturdy population, it is said, is the sinews of war. I go further and say that a sturdy population is the sinews of all culture in every form and shape, and unless and until we are going to be drawn out from the mire of effeminacy I think it is absolutely hopeless to profess nation-building schemes and political ambition for the people of this country. You may talk till the crack of doom and unless and until you translate your professions to actual deeds and to show your courage and trust the people of this country by giving ostensibly the proof of your sincerity and object, till then all is sham. I therefore ask the honourable members of this House to adopt this recommendation that military training be given to students in the higher classes.

**Khan Bahadur Maulvi Fasih-ud-din:** The resolution is as down-trodden as it is important, and if it were not for the fact that physical education is a *sine qua non* for the life of a student, we could have very easily and very conveniently set that aside and we could have dubbed it as hackneyed. In spite of what the Hon'ble the Director of Public Instruction has said, in spite of the serious efforts that we have been making hitherto, in spite of the hard struggle that we have been carrying on in this connexion, we are not in a position to say even now that we have not proceeded hitherto with the speed of a tortoise and that we have not covered very little ground hitherto. Sir, it is a fact that we have practically done very little during this last decade in connexion with the promotion of physical training amongst the school-going population. We have been all these long long years hoping against hope; we have been, as it were, following a will-o'-the-wisp and living in a fool's paradise. I am afraid that the twentieth century cannot boast of having secured better health for our students than the much-maligned days of two or three centuries back. But the question that naturally arises is how to solve this difficult question and how to overcome the practical difficulties that are in our way. These difficulties cannot be overcome by long orations. They cannot be overcome by pointing out the necessity for physical culture or for military training. They cannot be overcome by impressing on the public or on the

[Khan Bahadur Maulvi Fasih-ud-din.]

Government the soundness of the maxim "a sound mind in a sound body." They can be overcome only by suggesting practical ways and means of solving this question. I have heard with wrapt attention all the speeches that have been delivered today on the floor of this House, and specially the oratorical speech of the honourable mover of this resolution; but I am sorry to say that I have not been able to find a single suggestion in them as to the practical manner in which this difficulty is to be solved. In fact the only speaker who made a serious attempt to deal with the practical side of the question was Mr. Gurtu, but when he went deep into the matter, he had to escape through the back window by saying that he admitted that at least military training could not be introduced in rural areas, though it could be tried in a few chosen places.

**Pandit Iqbal Narayan Gurtu:** I said that it was a question of organization. I did not say that it could not be introduced in rural areas.

**Khan Bahadur Maulvi Fasih-ud-din:** However, that means the same thing, that is to say, he could not think of any practical ways and means of organizing the system of military training in rural areas. Sir, in my humble opinion the question of the introduction of military training in rural areas should be brushed aside for the present as impossible, unless we are able to devise ways and means of giving practical effect to it and bringing the question within the range of practical politics. Not only the question of agency as remarked by the Director of Public Instruction will have to be considered, but the question of funds also will come and deserves our serious attention.

As to the other point, we are all agreed that physical training should be introduced at the earliest opportunity in a much more thorough manner than it is now. Everyone of us ought to agree with this suggestion.

It is for these reasons that I support the amendment of Mr. Ahmad Shah and demur to the resolution as originally put forward.

**Thakur Manjit Singh Rathor:** I rise to oppose the amendment of Mr. Ahmad Shah and to lend my support to the resolution as moved by my friend Mr. Dube. I myself had given notice of an amendment to the resolution, but in view of the late hour and in view of the large number of speeches which have already been delivered on the subject, I do not desire to tax the patience of this House by moving my amendment. I will therefore content myself with supporting the resolution as moved by my honourable friend.

Sir, in my opinion the discussion of the subject has been very greatly side-tracked. The main question involved in this resolution was one of military training, but unfortunately the whole resolution has been reduced by a number of speakers to the low level of physical training. Physical drill, *kushti*, *mugdar*, and all the rest of it have been given undue importance and the main thing which was the real life and the real soul of the resolution, namely, military training in the colleges, has been relegated to the limbo of oblivion and cold corner of obscurity as it were. In the circumstances it is my duty and I consider it my privilege also to say before this House that we as legislators shall be failing in our duty if we do not record our well-considered opinion that

the Government have been neglecting the interests of the people in so far that military training and all such training as will conduce to the physical development of the people is being ignored. It is said to us that we should be against militarism. I assure you that I am against militarism, in fact I would say "Down with militarism?" I would go even further and say that I am prepared to drive the last nail into the coffin of militarism. What we want is not militarism, but humanitarianism; what we want is not armies, but militia—a militia of the citizens. What we want is not oppressive and aggressive militarism, but we want what may be described as a protective and defensive sort of militia. That is the real situation. Again, it has been said that we do not want to inject into our land the virus of Western militarism. I assure you that I am a follower of Mahatma Gandhi. Tolstoy once said that militarism is the ruin of present-day civilization, and if anything will ruin the present civilization, it is militarism. I will not quote Mahatma Gandhi because there are so many here who do not worship in the shrine of non-violence, but in season and out of season begin to exhibit their "manly" tendencies and what might be described their martial propensities. I would rather quote one of the biggest philosophers of the day, Mr. H. G. Wells. What does he say? He says in his book "War and the Future":—

"Mankind is still as it were dreaming, and hardly more awakened than a very young child. It has these dreams that we express by the flags of nationalities, and by strange loyalties and by irrational creeds and ceremonies, and its dreams at times become such nightmares as this war. But the time draws near when mankind will awake and the dreams will fade away, and then there will be no nationality in all the world but humanity, and no king, no emperor, nor leader, but the one God of mankind."

This is our ideal. I have put this ideal in the words of a Western philosopher, an Occidental philosopher, and I would say that we do not want militarism; we want humanitarianism. When we want our young men in the colleges and schools to take to training of arms, we do not mean that we should have the aggressive nationalism of the German school or of Moltke or Trotsky. We want that school of political thinking to be developed in India which will resist all attempts at the citizens being kept down as a powerless and impotent lot. Our greatest charge against the Government is that the Indian nation is reduced to the state of what might be called an emasculate people. We say that the policy of the Government by their taking away arms from the people has been to convert the warlike nation of India into a race of *bibus*, in the sense that the word "babu" was used derisively by Macaulay.

**Mr. Mukandi Lal :** Quill-drivers.

**Thakur Manjit Singh Rathor :** I accept the correction of Mr. Mukandi Lal and would say that they have been reduced to mere quill-drivers as it were. So these are the reasons I am here to support the resolution. I will again plead before the House not to consider the resolution as a mere resolution for physical training. We have had enough of physical training. What we want is something more manly,

[Thakur Manjit Singh Rather.]

something more virile, something which will give a bias amongst the educated classes to the martial spirit, not to be aggressive but to be defensive, to have power to ward off what may be called the attacks of invaders. These are the reasons which compelled me, which persuaded me, to support the resolution as moved.

Just a few words more and I have done. Some people offered certain criticisms against the drafting of the resolution. They ought to know that the resolution in the brief span of a few words cannot be compendious. Some objections are raised that no mention is made about women receiving military training. My opinion is that they are either ridiculing the resolution or they do not want to understand the spirit of it. They talk of women receiving military education. I am not against it; no sane man can be against it—specially no Englishmen can be against it when they have the example of Miss Nightingale in the Crimean War of 1854-55 in which she led what is known as the Ambulance branch of the Nursing Corps. So women can also take their share in these activities.

At the present time our attention should be focussed not towards these details with regard to women receiving military training. Our grievance is that, even men are not given this training, not to mention women. So we ought to understand the resolution in the spirit in which it has been moved. As regards the point as to why it was not said in so many words, the reason is that the mover wanted a committee of eight or seven to be appointed, and it is the business of that committee to draft the details of the scheme which will give this sort of training. Some say that it is not possible to give military training in rural schools or tahsili schools as they are called. They ought to understand that military training is not supposed to be meant for young boys of eight or ten. What we want is that every young man who is in a college, for instance every young man who is reading in the Intermediate classes or the degree classes, should be given one month's training in the year, provided he is fit.

Mr. Ahmad Shah says there is no clause here to exempt the unfit boys. Who on earth wants this training for unfit boys? When we say that England had conscription during the war, do we mean, or did anybody mean, that the lame, the blind, the deaf and the crippled were taken in the war? Not a bit of it. We ought to see the sense of the resolution in a sensible manner. What we want is that all young men who are fit for military work should be given the responsibility of shouldering the rifle—not those persons who are physical wrecks and cripples. The second difficulty of my friend Mr. Ahmad Shah is that many growing young men will not probably grow to manhood because they will be strained under the heavy pressure of military training. I would assure him that nothing is farther from our mind than the desire to cripple the manhood of the rising generation. In fact what we want is that the manhood should rise to its proper stature; what we desire is that young people who feel that it is their responsibility to defend their fatherland should be given all the opportunities to learn the arts not for the sake of offence, but for the sake of defence. These are the reasons why this resolution is moved by us. One gentleman in a very humorous way, with a view to take away the gravity and the

seriousness of the resolution said that during the last three years the *swaraj* party was talking of charkha and now they are talking of military training. I am glad that we have made a change. We should always profit by experience and that only shows which way the wind is blowing and the swing of the pendulum of popular opinion has gone from one machine-gun to another. I do not know whether it is for good or for evil. We have begun to think of another machine-gun. My friend opposite when I moved a resolution about charkha said that the charkha was as dead as a door nail and that the proposition was economically unsound. They used to deride us; what are they going to say now? We are going to talk of something which was claimed by them then and which I believe they will claim now to be scientific, to be up to date, to be in keeping with the spirit of the times. So I am glad that the resolution of this importance has been moved by an honourable member belonging to these benches and I am glad that this is the first resolution in this third reformed Council. Indeed it deserves to be the first resolution because it involves a very important question. It is for these reasons that I lend my whole-hearted support to the resolution as moved by Mr. A. P. Dube.

**Kunwar Jagdish Prasad :** I agree with my honourable friend who has just sat down that it is appropriate that the first resolution which this Council should discuss should be the question of improving the physique of the students who are reading in our schools and intermediate colleges and in the universities. I think it is also appropriate that the resolution should have been moved by my honourable friend who represents the Allahabad urban constituency, because we know that he himself is an athlete of more than local reputation. If I do not adopt a military and martial tone in my speech I have two reasons for that. The first is that I now find an air of fatigue and lassitude in the Council, and nothing which I shall say is likely to revive the martial spirit which we noticed when the resolution was under discussion. The second thing is that I must confine myself within the limits which have been imposed upon the Education department. Speaking in my private capacity I quite recognize that military training for the people for defending themselves is one of the most crucial questions which has to be solved before self-government is granted to India. This is a question which I think the House will recognize should be more appropriately discussed on the floor of the Imperial Legislature, because under the constitution the subject of military training, of a standing army or a citizen army, is not a provincial subject. It has been classified as a central subject with which the Government of India only can deal : that will be my excuse for confining myself only to the educational aspect of the resolution. My friend, the Director, has already pointed out that, far from consigning the reports to the limbo of obscurity, far from taking no action on the resolution of my honourable friend from the Chamber of Commerce, as soon as the reports were received we proceeded to give practical effect to them as far as possible. The main contention of the committee was that no system of physical education would be worth starting unless there were teachers who could impart it. We have a system of drill at present which is described as mechanical. Therefore, the first thing we had to do was to provide adequate and competent teachers and for that purpose the Director has already



[Kunwar Jagdish Prasad.]

pointed out the steps we propose to take. The next thing that we in the Education department had to do was to see that the medical examination of school children should be closely associated with physical education. The arrangements made hitherto were inadequate, and therefore we took steps last year with the consent of the Council to improve the system of medical inspection. Another movement has a great deal to do with the training of character and developing the physical side and that is the Boy Scout movement. We are spending Rs. 24,000 for this purpose in this province. We are in full sympathy with the honourable member. We quite recognize that hitherto English education was regarded as synonymous with a lack of stamina and a lack of power of sustained effort. We quite recognize that in these directions there is room for great improvement. We feel that there are people who would in Western countries be in the height of their intellectual powers who in this country, owing to the lack of sufficient care in the earlier stages of their education, are unable to do justice to themselves or to their country. We fully recognize all this. Then I come, Sir, to the two points on which we find ourselves at variance. First of all, there is the question of military drill with fire-arms. I have said before, and honourable members know, that it is impossible for the local Government to carry that part of the recommendation into effect. It is not within our power to introduce military drill with fire-arms anywhere in our educational institutions. The second point I wish to draw attention to is that we have already had two committees. Is it now necessary to have a third committee to go into questions about which we are agreed? We have already said that we fully recognize the need for improving the system of physical education. The committees which have already sat and which have reported have made recommendations which I think will commend themselves to all members, as soon as the reports are published. I would, therefore, say:— Let the reports be first published. If members after reading them and seeing the recommendations and also after considering the action which we have taken so far, still think that a committee should be appointed there will be nothing to debar any member from raising the point during the course of the budget debate. At this stage, I think it would be superfluous to appoint another committee. I, therefore, have to oppose my friend in regard to the question of drill with fire-arms and also I think, as regards the question of the appointment of a committee, I hope the House will agree that at this stage the appointment of such a committee is unnecessary.

**Mr. A. P. Dube :** The course that the debate has taken generally seems to be in favour of the resolution. The honorable Secretary to the Education department has expressed his inability to accept the whole of the recommendation on behalf of the local Government, because he says that military training with fire-arms is a subject entirely within the cognizance of the Imperial Government. Well, Sir, I would submit that as a beginning has been made so far as the physical improvement of the young men in our schools and colleges is concerned, I do not see any insuperable difficulty on behalf of the local Government in making a beginning here. If they were to organize some sort of system they could give two or three or four or half a dozen rifles with Morris tubes, or even air-guns under a licence to the schools and they

could thus make a beginning. They could make a recommendation to the Imperial Government and say that these are the wishes of this Council and the wishes of these provinces as reflected by this Council. And while they are working upwards, and while the Indian Legislature takes up the question, a beginning will have been made. It is also absolutely clear that the committees that were appointed were acting under the scope prescribed for them by the resolution. The resolution dealt with physical training and drill without arms. This resolution emphatically says that the drill shall be with arms. How the work of these committees can suffice for the purposes of this resolution, I am unable to understand. If this House carries the resolution, either the matter will have to be submitted to the same committees or they will have to go before another committee, and this new committee will take into consideration the wishes of this House as well as what has gone before namely, the reports of the two committees. Now, Sir, I find the majority of the speakers sympathize with the resolution. The only definite voice of dissent has come from the honourable Mr Ahmad Shah. With regard to that aspect of the discussion let me submit that this resolution supplies a very acid test on two sides. It is an acid test of the sincerity of the Government when it professes to give home rule to India. On the other hand, it supplies a very acid test to our capacity to take upon our shoulders the burden of home rule. Home rule and home defence must go hand in hand, and if we shirk this duty we will stultify ourselves entirely. Now, Sir, peace is all very good. The beatitudes of the Sermon on the Mount are very good excuses for cowardice and servility. But the question is that we have to open our eyes to the facts of history. Ever since the Amphictyonic Council was inaugurated by the Greeks it did not prevent Greeks from exterminating Greeks. We have in the Geneva Convention provisions for arbitration courts, but these did not prevent the European nations from trying to destroy each other. The Great War is an example of that type. Therefore, we have got to make up our minds, when we are surrounded on all sides by countries armed to the teeth, whether we say to ourselves that we shall be the first by whom a new path is going to be tried, I say to rank pacifists, please share the guilt of this world or go to another planet. This world is not the place for you. The very fact that these views have been expressed in this Council hall emphasizes the necessity of the great cause. It is a great cause which requires a crusade and, like all crusades, it requires a generalissimo. A revolution in the thought of the country seems to be necessary. If I were to submit to the House some of the facts, I would say this, that in the year 1806 the power of Prussia was entirely broken by Napoleon at the battle of Jena and the state of the country was rendered truly desperate. Second-rate soldiers and second-rate politicians gave place to a school of philosophers the like of which the world has seldom seen. These philosophers began to write books and inculcate in the mind of the nation that the best claim is the claim of might. After a period of this teaching of ideal politics we find the teachings of the books condensing themselves and taking shape and translating themselves into action. We then see the resulting personality of Bismark and the great organization of the German army. If you are not going to make a beginning, a beginning, of the right sort, we will find that some day we shall be absolutely without a rudder and compass. A professor who wrote a book on Napoleon said that if two

[Mr. A. P. Dube.]

hundred years ago somebody had said that a few traders coming out of England will conquer such a vast sub-continent, it would have been said that he was a mad man. But this miracle has actually happened. But a thing which happened as a miracle may vanish like a miracle and then you will find yourself going from the frying pan into the fire. Therefore let us take heed betimes. Let us try to put our house in order, and pass this resolution as befits the representatives of these brave provinces. Therefore, I ask this Council to pass the resolution unanimously.

**The Hon'ble Rai Rajeshwar Bali :** My honourable friends, the Education Secretary and the Director of Public Instruction, have already made the position of the Government clear. This resolution can be divided into two parts. The first part relates to training in military drill and the use of fire-arms, and the second deals with a committee to draw up a graded syllabus for the purpose. Now, with regard to the second part of the resolution, so far as I could gather from the closing speech of the honourable mover, his intention was that since the previous committee did not go into the question of physical training with fire-arms, another committee must needs be appointed. Under the existing constitution, however, as honourable members are already aware, questions of Imperial defence or of fire-arms cannot be dealt with in the local Legislature. We, in the Education department, are only concerned with the question of physical training in schools. As has been pointed out by the Education Secretary, the question of fire-arms might well have been discussed in the Imperial Legislature. It is only under the combined pressure of public opinion from the Legislative Assembly and the Council of State that the Government of India can be persuaded to adopt a policy of forming a national militia, but so far as the local Legislature is concerned, we have no voice in it and much less the Education department. Therefore, as we are unable to give effect to the resolution no useful purpose will be served by appointing a fresh committee.

**The Hon'ble the President :** The resolution that has been moved runs as follows :—

“That this Council recommends to the Government :—

- (a) that physical education, including training in military drill and the use of fire-arms in higher classes, should be made compulsory in educational institutions recognized by the Government, and
- (b) that a committee consisting of seven members, five elected by this House and two nominated by the Government, be appointed to draw up a graded syllabus and suggest necessary measures to carry out the above object.”

Since then an amendment has been moved that the word “military” before the word “drill” in line 3, and the words “and the use of fire-arms in higher classes” in lines 3 and 4 be omitted and that “clause (b)” be deleted.

*The motion that the words " military " and " and the use of fire-arms in higher classes " stand part of the question, was put and adopted :—*

*The motion that clause (d) stand part of the question, was put and the Council divided as below :—*

*Ayes, (46) ; Noes, 36.*

*Ayes.*

Babu Ram Charana.  
Babu Prag Narayan.  
Babu Ganesh Shankar Vidyarthi.  
Mr. A. P. Dube  
Pandit Rahas Bihari Tiwari.  
Babu Sampurnanand.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
Chaudhri Mangat Singh.  
Chaudhri Vijai Pal Singh.  
Pandit Nanak Chand.  
Thakur Manak Singh.  
Thakur Hukum Singh.  
Rao Krishna Pal Singh.  
Lala Nemi Saran.  
Rao Sahib Kunwar Sardar Singh  
Thakur Sadho Singh.  
Pandit Brijnandan Prasad Misra  
Pandit Bhagwat Narayan Bhargava.  
Rao Udaibir Singh.  
Thakur Har Prasad Singh.  
Babu Kishori Prasad.  
Babu Shivam Lal.  
Babu Uma Shankar.

Pandit Venkatesh Narayan Tiwari.  
Babu Kavendra Narayan Singh.  
Pandit Shri Sadayatan Pande.  
Raja Sri Krishna Dutt Dube.  
Thakur Shiva Shankar Singh.  
Rai Bahadur Thakur Hanuman Singh.  
Rai Bahadur Babu Abhamandan Prasad.  
Babu Ganga Prasad Roy.  
Pandit Govind Dallabh Pant.  
Pandit Badri Dutt Pande.  
Mr. Mukandi Lal  
Rai Bahadur Chaudhri Jagannath Prasad.  
Raja Bahadur Bishwanath Saran Singh.  
Rai Bahadur Pandit Sankata Prasad Bajpai, 45  
Maulvi Zuhur-ud-din.  
Saïad Tufail Ahmad.  
Hafiz Muhammad Ibrahim.  
Shaikh Abdullah.  
Khan Bahadur Shaikh Saiyad Muham-  
mad alias Maiku Mian.  
Khwaja Khalil Ahmad Shah.  
Raja Chambhu Dayal.  
Rai Bahadur Babu Vikramajit Singh.

*Noes.*

The Hon'ble Sir Sam O'Donnell.  
The Hon'ble Lieut. Nawab Muhammad Ahmad Saïd Khan.  
The Hon'ble Rai Rameshwar Bali.  
The Hon'ble Thakur Rajendra Singh.  
The Hon'ble Nawab Muhammad Yusuf.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Sir Ivo Elliott.  
Mr. P. H. Tillard.  
Mr. H. A. Lane.  
Mr. A. W. Pim.  
Mr. A. W. McNair.  
Khan Bahadur Chaudhri Wajid Husain.  
Mr. E. L. Norton.  
Mr. F. F. R. Channer.  
Mr. R. J. S. Dodd.  
Colonel G. Tate.

Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Khan Bahadur Mr Masud-ul-Hasan.  
Mr. E. Ahmad Shah.  
Kunwar Surendra Pratap Shah.  
Haji Abdul Qayum.  
Mr. Muhammad Abdul Bari.  
Khan Bahadur Shaikh Zia-ul-Haq.  
Lieut. Nawab Jamshed Ali Khan.  
Nawabzada Muhammad Liaquat Ali Khan.  
Lieut. Khan Bahadur Nawabzada Abdus Sami Khan.  
Maulvi Saiyad Habib-ullah.  
Dr. Shafiat Ahmad Khan.  
Khan Bahadur Saiyid Jafar Husain.  
Khan Bahadur Hakim Mahbub Ali Khan.  
Shaikh Muhammad Habib-ullah.  
Raja Jagannath Bakhsh Singh.  
Mr. E. M. Souter.

*The original resolution was put and the Council divided as below :—*

*Ayes, 54 ; Noes, 32.*

*Ayes.*

Babu Prag Narayan.  
Babu Ganesh Shankar Vidyarthi.  
Mr. A. P. Dube.  
Pandit Rahas Bihari Tiwari.  
Babu Sampurnanand.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
Chaudhri Mangat Singh.  
Rai Sahib Lala Jagdish Prasad.  
Chaudhri Vijai Pal Singh.  
Pandit Nanak Chand.  
Thakur Manak Singh.

Thakur Pratap Bhan Singh.  
Thakur Bikram Singh.  
Thakur Hukum Singh.  
Rao Krishna Pal Singh.  
Lala Nemi Saran.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Pandit Brijnandan Prasad Misra.  
Pandit Bhagwat Narayan Bhargava.  
Rao Udaibir Singh.  
Thakur Har Prasad Singh.  
Babu Kishore Prasad.

Babu Shyam Lal.  
 Babu Uma Shankar.  
 Pandit Venkatesh Narayan Tiwari.  
 Babu Kavendra Narayan Singh.  
 Pandit Shri Sadayatan Pande.  
 Raja Sri Krishna Dutt Dube.  
 Thakur Shiva Shankar Singh.  
 Rai Bahadur Thakur Hanuman Singh.  
 Rai Bahadur Babu Abhainandan Prasad.  
 Babu Ganga Prasad Roy.  
 Pandit Govind Ballabh Pant.  
 Pandit Badri Dutt Pande.  
 Mr. Mukandi Lal.  
 Rai Bahadur Chaudhri Jagannath Prasad.  
 Raja Bahadur Bishwanath Saran Singh.  
 Rai Bahadur Babu Mohan Lal.

Rai Bahadur Pandit Sankata Prasad Bajpai.  
 Maulvi Zahur-ud-din.  
 Saiyad Tufail Ahmad.  
 Nawabzada Muhammad Liaqat Ali Khan.  
 Hafiz Muhammad Ibrahim.  
 Shaikh Abdullah.  
 Khan Bahadur Saiyid Jafar Husain.  
 Khan Bahadur Shaikh Saiyid Muhammad alias Maiku Mian.  
 Khwaja Khalil Ahmad Shah.  
 Rai Bahadur Lala Mathura Prasad Mehrotra.  
 Raja Shambhu Dayal.  
 Raja Jagannath Bakhsh Singh.  
 Rai Bahadur Babu Vikramajit Singh.  
 Pandit Iqbal Narayan Gurtu.

#### Noss.

The Hon'ble Sir Sam O'Donnell.  
 The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.  
 The Hon'ble Rai Rajeshwar Bali.  
 The Hon'ble Thakur Rajendra Singh.  
 The Hon'ble Nawab Muhammad Yusuf.  
 Mr. G. B. Lambert.  
 Mr. E. A. H. Blunt.  
 Kunwar Jaddish Prasad.  
 Sir Ivo Elliott.  
 Mr. P. H. Tillard.  
 Mr. H. A. Lane.  
 Mr. A. W. Pim.  
 Mr. A. W. McNair.  
 Khan Bahadur Chaudhri Wajid Husain.  
 Mr. E. L. Norton.

Mr. F. F. R. Channer.  
 Mr. R. J. S. Dodd.  
 Colonel G. Tate.  
 Mr. A. H. Mackenzie.  
 Mr. G. Clarke.  
 Mr. E. Ahmad Shah.  
 Babu Ram Charana.  
 Rai Bahadur Lala Shyam Sundar Lal.  
 Haji Abdul Qayum.  
 Mr. Muhammad Abdul Bari.  
 Khan Bahadur Shaikh Zia-ul-Haq.  
 Maulvi Saiyid Habib-ullah.  
 Dr. Safa'at Ahmad Khan.  
 Khan Bahadur Maulvi Fasih-ud-din.  
 Shaikh Muhammad Habib-ullah.  
 Mr. E. M. Souter.

*The resolution was accordingly adopted.*

**The Hon'ble the President :** The business not disposed of today will be taken up tomorrow after tomorrow's agenda is finished.

*The Council was then adjourned to the following day.*

## APPENDIX A.

(See page 16 *supra*.)*Resolution referred to in the reply to starred question No. 12 for January 24, 1927.*

No. 61G.

EDUCATION DEPARTMENT.

January 20, 1927.

## RESOLUTION.

For some time past, the Governor acting with his Ministers has been considering by what means the vernacular literature of these provinces can best be fostered and developed. The Legislative Council also has shown its interest in the matter. On December 23, 1925, it adopted a resolution urging the establishment of a bureau for translating into the vernacular useful books in modern science and other branches of knowledge. The matter was again raised in the Council on April 7, 1926, when a resolution recommending the establishment of a Hindustani academy was discussed.

2. As a result of their deliberations, Government have now decided to establish a Hindustani academy in these provinces with a view to stimulate the development of Urdu and Hindi literature. The academy will itself determine the methods by which it will pursue this object. The Governor acting with his Ministers, however, suggests the following as some of the means by which success may be attained:—

- (1) The award of prizes (by a system of competition) for the production of the best books on particular subjects.
- (2) The translation of books into Urdu and Hindi by paid translators, and the publication of the translations by the academy.
- (3) The encouragement of the production of original works or translations in Hindi and Urdu, whether by grants to universities and literary associations, or otherwise.
- (4) The election of eminent writers to Fellowship of the academy.

3. The academy, which will be registered as a society under Act XXI of 1860 under articles of association approved by Government will consist, in the first instance, of (1) a Council and (2) an Executive Committee and ultimately (3) of Fellows to be elected to the academy by the Council. The Council will be concerned with general questions of policy. It will consist of a President, six *ex officio* members, and thirty members (including a General Secretary), nominated by Government. The Council will, however, have power to co-opt six additional members. The Council will meet ordinarily twice a year at times and places to be fixed by the President.

4. The Executive Committee will consist of a Chairman, a Secretary and Treasurer, and seven other members who will be nominated by Government. Its duties will be to give effect to the decisions of the Council on matters of policy and otherwise to arrange for the carrying on of the work of the academy. The Executive Committee will meet

as often as and where the Chairman may direct. It may form sub-committees for the different branches of its work: on these it may co-opt persons, who need not be members of the Council, to assist it. The President of the Council will be *ex officio* Chairman of the Executive Committee, and the General Secretary its *ex officio* Secretary and Treasurer.

5. Government will place at the disposal of the academy a grant of Rs. 25,000 which has been voted for the purpose by the Legislative Council and will be paid on conditions to be laid down by Government.

6. The Governor acting with his Ministers has been pleased to appoint Sir Tej Bahadur Sapru, K.C.S.I. to be President, Dr. Tara Chand to be General Secretary, and the following persons to be the first members of the Council of the Hindustani Academy:—

*Ex officio Members :*

1. The Hon'ble Minister of Education, United Provinces.
2. The Director of Public Instruction, United Provinces.
3. The Vice-Chancellor, Allahabad University.
4. The Vice-Chancellor, Lucknow University.
5. The Vice-Chancellor, Benares Hindu University.
6. The Vice-Chancellor, Aligarh Muslim University.

*Members :*

1. Masood Hasan Rizvi Sahib, Reader, Urdu department, Lucknow University.
2. Dr. Tara Chand Sahib, M.A., D. PHIL. Principal, Kayastha Pathshala College, Allahabad.
3. Babu Ajodhya Singh Sahib, Reader, Benares Hindu University.
4. Pandit Shiva Adhar Pande, M.A., LL.B., M.R.A.S., Reader, Allahabad University.
5. Sir Abdur Rauf, KT., Retired Judge, Punjab High Court, Allahabad.
6. Babu Dhanpat Rai Sahib, B.A., *alias* "Prem Chand," Benares.
7. Dr. Ram Prasad Tripathi, M.A., M.R.A.S., History department, Allahabad University.
8. Dr. Beni Prasad, M.A., Reader, History department, Allahabad University.
9. A. B. Dhruva, Esq., M.A., LL.B., Pro-Vice-Chancellor, Benares Hindu University.
10. Syed Zamin Ali, Esq., M.A., Lecturer, Urdu department, Allahabad University.
11. B. Ram Babu Saksena Sahib, M.A., LL.B., Deputy Collector, Bareilly.
12. Munshi Daya Narain Nigam Sahib, Editor, "Zamana," Cawnpore.
13. Syed Sajjad Haidar Sahib, Aligarh University, Aligarh.
14. Pandit Manohar Lal Zutshi Sahib, M.A., I.E.S., Principal, Jubilee Intermediate College, Lucknow.

15. M. Mehdi Hasan Nasiri Sahib, U.P.E.S., Headmaster, Government High School, Bara Banki.
16. Maulvi Abdul Majid Sahib, Daryabad, district Bara Banki.
17. Dharendra Varma, Esq., M.A., Allahabad University, Allahabad.
18. Pandit Badrinath Bhatt Sahib, Lucknow University, Lucknow.
19. B. Jagan Nath Das Ratnakar, Rajsadan, Ajodhya.
20. Pandit Shri Dhar Patak Sahib, Allahabad.
21. Hon'ble Pandit Sham Bihari Misra, Registrar, Co-operative Societies, United Provinces,
22. Pandit Ram Narayan Misra Sahib, Headmaster, Central Hindu High School, Benares.
23. Lala Sita Ram Sahib, retired Deputy Collector, Allahabad.
24. Maulvi Niaz Mohammad Khan Sahib, Fatehpur.
25. Mirza Muhammad Askari Sahib, Hakim Abdul Aziz Road, Lucknow.
26. Maulana Syed Aley Naqi Sahib *alias* Maulana Safi, Maulvi-ganj, Lucknow.
27. Rai Sahib B. Shyam Sundar Das, Nagri Pracharini Sabha, Benares.
28. Mohammad Naimur Rahman, Esq., Lecturer, Arabic and Persian department, Allahabad University.
29. Maulvi Noorul Hasan Naggar, B.A., LL.B., Honorary Assistant Collector, Kakori, district Lucknow.
30. Professor Rashid Ahmad Siddiqi, Aligarh Muslim University.

The above appointments are made for a period of three years.

The names of the persons who will constitute the first Executive Committee of the Academy will shortly be announced.

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ORDER.—Ordered that a copy of the resolution be forwarded to the President of the Council for information.

Ordered also that the resolution be published in the *United Provinces Government Gazette* for general information.

By order of the Governor acting with his Ministers,

JAGDISH PRASAD,

*Secretary to Government, United Provinces.*



## APPENDIX B.

(See page 16 *supra*)

*Copy of a Circular letter No. 1-N/JUDL.—330-B, dated May 28, 1926, from the Secretary, Board of Revenue, United Provinces, to all Commissioners of divisions, United Provinces.*

I AM directed to invite your attention to the debate in the United Provinces Legislative Council on the resolution moved by Rai Sahib Babu Dip Narayan Roy on January 20, 1926, regarding delays in disposal of rent and revenue cases. At page 148 of the proceedings for that date the Hon'ble the Finance Member informed the Council that Government proposed to call the special attention of Commissioners to this matter and to ask them to give special attention to it when they inspect district offices. Government have now asked the Board to issue orders to give effect to that undertaking. The Board observe that taking the revenue year as a whole the total number of cases remaining pending for more than three months at the close of the year is not very large. In the year ending September 30, 1923, out of 586,000 cases, which came for disposal before the courts, fewer than 3,000 were pending for more than three months at the close of the year. At the same time they are aware that this is not a fair measure of the delay which occurs in the disposal of revenue cases. A not inconsiderable number of officers with a desire to avoid censure for delay hurry through cases on their file in the month of September in order to clear off as many as possible, though some of these cases have been unduly delayed during the year.

2. The statistics for certain districts during the year 1924-25, which have just been examined by the Board, lead to the conclusion that some collectors have not made proper use of the fortnightly statement of pending cases showing the state of the file in each court. The reasons for delay have been analysed in the speech of the Junior Member at pages 142 to 144 of the Council Proceedings. I am now to ask that at your periodical inspections you will make a point of seeing that collectors have made proper use of the fortnightly statements and that you will also inspect a suitable number of courts in the district to see that cases are being fixed intelligently and that avoidable delay does not take place.

3. In my letter Nos. 18—27, dated May 28, 1926, you are being consulted regarding a proposal to add a rule to Board's Circular I—II, which will enable you and also the Board to scrutinize more closely cases of excessive delay.

*Drift addendum to Board's Circular I—II.*

In Circular I—II add the following as a new rule 17:—

17. A business statement showing the number of cases instituted, disposed of and pending during the preceding quarter will be submitted in duplicate in B R. form No. 216 by district officers to the Commissioner by January 10, April 10, July 10 and October 10. One of these copies will be for the Commissioner and the other for the Board. Both these

copies should be accompanied by brief explanations of the causes of delay in the case of the oldest case pending for over six months in each class except partition cases. In the case of the latter such explanations should be given for the three oldest cases pending for over one year.

Commissioners should carefully scrutinize the statements, giving special attention to enhancement and partition cases, and should issue necessary orders to the district officers. They will forward the Board's copy to the Secretary, Board of Revenue, United Provinces, with their remarks before the end of the first month in the following quarter

(Government notification No. 5256/IA—453-1926, dated December 21, 1926.)

H. S. ROSS,  
*Secretary, Board of Revenue,  
United Provinces.*

## APPENDIX C.

*(See page 21 supra.)*

Papers referred to in the reply to starred question No. 20  
for January 24, 1927.

**MEDICAL INSPECTION OF SCHOOLS.****MEMORANDUM***Conditions of appointments of medical officers.*

1. The pay will be as advertised. Each medical officer will be allowed a peon on Rs. 12 per mensem and Rs. 2 per mensem for contingencies (stationery, etc).

2. The posts are non-pensionable and temporary. Appointments will be made in the first instance for three years, and are terminable by three months' notice on either side.

3. The first claim on the time of medical officers will be their official duties. These will be laid down by the Director of Public Instruction in consultation with the Inspector-General of Civil Hospitals, and may be modified at his discretion from time to time as experience of the working of the scheme is gained. For the present they will include—

- (i) visiting all recognized English schools and the Government normal school and training college in the town and conducting a medical inspection in accordance with the instructions of the Director of Public Instruction ;
- (ii) giving lectures on hygiene at the Government training college and normal school ;
- (iii) treating free of charge all boarders residing in the hostels attached to the Government training college, normal school and high school (or intermediate college) ;
- (iv) treating free of charge students from recognized English schools under conditions to be laid down by the Director of Public Instruction ;
- (v) examining candidates for the St. John Ambulance Certificate in hygiene, sanitation and first aid.

4. The conditions on which private practice will be allowed will be laid down by the Director of Public Instruction in consultation with the Inspector General of Civil Hospitals, and will be such that the officer's private practice will not interfere with his official duties. These conditions may be notified from time to time at the discretion of the Director of Public Instruction.

5. The medical officer must not leave his jurisdiction without the sanction of the Divisional Inspector of Schools.

A. H. MACKENZIE, M.A., B.Sc.,

*Director of Public Instruction,  
United Provinces.*

## UNITED PROVINCES EDUCATION DEPARTMENT.

**Medical inspection of schools.**

*Note for the guidance of medical officers and heads of educational institutions in cities in which whole-time medical officers are employed.*

It is expected that educational and medical officers will work together harmoniously. Headmasters and teachers should prepare the way for the medical officer. They live from day to day with the boys and should be able to say which of them require medical treatment. A defect or disease should never have to be discovered first by the medical officer. The headmaster and his staff should be able to tell which boys require the attention of an oculist and should be able to pick out boys who seem to be suffering from diseases of the hair, skin, ear or throat or who are in poor health, although they may not be able to say precisely what is wrong.

2. To assist the headmaster to pick out boys who need the advice of the doctor a weighing machine is invaluable. Loss of weight if repeated after two successive weighings is an infallible sign that there is something wrong. All boys in the school should be weighed once a month at about the same time of day. Boys should be weighed invariably in the same clothes, i.e., in shirt and *dhoti* (or trousers) only without shoes or stockings. The headmaster should arrange for these weighings to be made regularly and systematically by his staff. One particular day of the month should be set apart for the weighing of the boys of each class. The weights of boys should be entered neatly in a register in such a way that any decrease in weight can be seen at a glance.

3. The medical officer will visit each English school (middle and high) and intermediate college at least once a month during the school session. Notice of his visit will be given to the headmaster on the prescribed form of postcard which is supplied to medical officers. The monthly visit may extend over one or more days. The normal duties of the medical officer at this inspection will be—

- (1) He will see and sign the weight registers. He should give instructions for the more frequent weighing of any boy whose progress he thinks it necessary to watch.
- (2) He will see on parade all boys stripped to the waist, with legs and feet bare. Different times may be fixed for the parade of different classes or groups. But one class or group should be ready for the medical officer on his arrival. The headmaster and assistant masters should be present at the inspection. The headmaster should give the medical officer a list of the boys who seem to him to require special attention. The medical officer will then make his inspection and "fall out" those boys who appear to him to require further attention as well as those reported to him by the headmaster. The remaining boys on parade will then be dismissed.
- (3) The medical officer will make a detailed examination of the boys who have been asked to fall out. He will decide which of them require treatment. These will be of two classes :—(1) boys whose parents can afford to consult a private practitioner,

and (2) boys who are too poor to consult a private practitioner. The medical officer will be guided by the headmaster in placing boys in these classes.

- (4) The headmaster will receive for the parents of all boys who require treatment a voucher. Parents of boys in class (1) of paragraph 3(3) above should give the voucher to their private doctor and obtain his advice; parents of boys in class (2) should take the voucher with the boy to a local dispensary.
- (5) In making his diagnosis the medical officer should classify boys who require treatment as follows :—
  - (a) walking patients (white voucher);
  - (b) bed patients (blue voucher);
  - (c) infectious cases (red voucher);
  - (d) defective vision (green voucher).
- (6) (a) Walking patients should be allowed to attend school and should appear separately before the medical officer at each parade until he is satisfied that they are fit.
- (b) Bed patients, who are boarders, should, if in a Government school hostel, be regularly visited by the medical officer and will be treated by him; if in the hostel of an aided institution, they should be regularly visited and treated by the school doctor. Bed patients who are day pupils should be treated at home or in the local hospital according as they belong to class (1) or class (2) [vide paragraph 3(3) above].
- (c) Infectious patients (e.g., boys suffering from infectious skin disease or granular lids) should be ordered to their homes and should not be allowed to attend school until the medical officer is satisfied that they are free from infection.
- (d) Boys who suffer from defective vision should be given a voucher advising their parents to consult an oculist.

4. At each visit to the school the medical officer should inspect the sanitation of the school, the hostels and attached premises in the company of the headmaster or one of his assistants.

5. A medical history sheet in the prescribed form should be maintained for each boy. This sheet should ordinarily be filled up three times in the course of a boy's school career :—

For the first time : When the boy joins the school.

For the second time : When the boy is in class VII.

For the third time : When the boy is in class X.

In special cases, when the boy's physical condition is abnormal, it should be filled up oftener by the medical officer. The medical history sheets of boys should be filed by the headmaster and should be given to them when they leave the school.

6. The medical officer should keep at each school a diary in which the following particulars should be recorded :—

- (1) Date of visit to the school.
- (2) Time spent at the school.

(3) Number of boys respectively to whom—

- (a) white vouchers,
- (b) blue vouchers,
- (c) red vouchers,
- (d) green vouchers,  
were issued.

(4) Number of boys whose treatment the medical officer has himself undertaken.

(5) Number of boys whose medical history sheets were filled in.

(6) Remarks on the sanitation of the school and its premises under the following heads :—

- (a) accommodation,
- (b) cleanliness of floors, walls, desks, boys' clothes, etc.,
- (c) lighting and ventilation,
- (d) latrines and urinals,
- (e) playgrounds.

(7) General remarks.

These diaries will be open to inspection by officers of the Education and Medical departments.

7. The medical officer will advise the headmaster as to any measures which may be necessary for the prevention of epidemics and for arrangements which are necessary for the isolation and treatment of cases of infectious and contagious disease.

8. *Hostel supervision.*—The medical officer is in medical charge of the hostels of all Government institutions (high school, intermediate college, training college and normal school). The medical officer will visit the hostels at regular times, to be fixed by the inspector of schools in consultation with the head of the institution.

9. In every school where accommodation is available a room should be set apart for the use of the medical officer and should be furnished with a table, chair, almirah with lock, basin stand, a basin, soap, towels and writing materials. When a room is not available an almirah provided with a lock, a basin stand, a basin, soap and towels should be provided for the medical officer. The school should keep a stock of simple remedies which will be prescribed by the medical officer. Sight-testing cards and a weighing machine also are necessary; the medical officer will advise the headmaster regarding the purchase of these.

10. Instructions regarding lectures in hygiene at the training college and normal school and the examination of candidates for the St. John Ambulance Certificate in hygiene, sanitation and first aid will be issued separately.

11. Medical officers are not allowed private practice between the hours of 10 a.m. and 3-30 p.m. or during the hours which are set apart for visiting hostels.

*N.B.—These instructions may be amplified or modified by the Director of Public Instruction in consultation with the Inspector-General of Civil Hospitals as experience of the working of the scheme is gained.*

A. W. R. COCHRANE,

M.B., F.R.C.S.,

*Inspector-General of Civil Hospitals,  
United Provinces.*

A. H. MACKENZIE,

M.A., B.Sc.,

*Director of Public Instruction,  
United Provinces.*

*Statement showing the names, qualifications and monthly pay and conveyance allowance of school medical officers.*

| Serial number. | Name of school medical officer. | Name of city to which attached. | Monthly pay and conveyance allowance.                             | Qualifications.     | Remarks.  |
|----------------|---------------------------------|---------------------------------|---|---------------------|---|
| 1              | Dr. Bhava Nath Jha.             | Allahabad                       | Rs. 200 per mensem and Rs. 30 per mensem conveyance allowance.    | M.B., B.S.          |   |
| 2              | Dr. Uma Shankar Pande.          | Lucknow.                        | Rs. 200 per mensem and conveyance allowance of Rs. 30 per mensem. | L.M. and S. (Bom.). | Held a temporary commission in the I.M.S.   |
| 3              | Dr. Imtiaz Ahmad Khan.          | Meerut .                        | Rs. 150 per mensem and Rs. 15 per mensem conveyance allowance.    | L.M.P.              |   |
| 4              | Dr. Suprasanna Lahiri.          | Benares ..                      | Ditto ..  | M.B.                |   |
| 5              | Dr. B. R. S. Bhalla             | Cawnpore                        | Ditto ..  | L.R.C.P., M.R.C.S   |   |
| 6              | Dr. Brij Behari Sharma.         | Baranilly ..                    | Rs. 120 per mensem and conveyance allowance of Rs. 15 per mensem. | M.B. B.S            |   |
| 7              | Dr. Indra Narain Saxena.        | Jhansi ..                       | Ditto .   | L.M.P.              |   |
| 8              | Dr. Siddiq Ahmad Qureshi.       | Fyzabad..                       | Rs. 120 per mensem and Rs. 15 per mensem conveyance allowance.    | L.M.P. .            | Retired I.M.D.  |
| 9              | Dr. Kedar Nath Lahiri.          | Gorakhpur                       | Ditto ..  | M.B., B.S.          |   |
| 10             | Vacant ..                       | Agra ..                         | ..  | ..                  | The post has fallen vacant with effect from December 4, 1926 owing to the death of the incumbent Dr. Aziz-ud-din. |



## APPENDIX D.

(See page 29 *supra*.)

*Statement showing the distribution of an allotment of Rs. 25,000 made by Government during 1926-27 for the promotion of physical culture.*

| Name of district. | Name of institution.   | Amount. | Purpose for which the grant has been made.                                       |
|-------------------|--|---------|--|
|                   |  | Rs.     |  |
| Allahabad ..      | Sewa Samiti ..   | 5,000   | For opening a gymnasium or institute for physical culture.                       |
| Agra ..           | Rupees 1,000 placed at the disposal of collectors of each of these ten districts, to be administered by a local committee. | 10,000  | For encouragement of games, etc., in rural areas.                                |
| Bareilly ..       |  |         |  |
| Aligarh ..        |  |         |  |
| Jhansi ..         |  |         |  |
| Gorakhpur ..      |  |         |  |
| Moradabad ..      |  |         |  |
| Sitapur ..        |  |         |  |
| Ghazipur ..       |  |         |  |
| Mirzapur ..       |  |         |  |
| Saharanpur ..     |  |         |  |
| Benares           | Placed at the disposal of Collector, Benares.  | 3,000   | For purchase of boats for the Central Vyayam Association.                        |
| Cawnpore ..       | (1) Muslim club ..   | 1,000   | For athletic outfit.   |
|                   | (2) Cosmopolitan club ..   | 300     | For equipment.   |
| Meerut ..         | (1) Alexander Athletic club ..   | 1,000   | Ditto.   |
|                   | (2) Hindu Kumar Sabha of Meerut.   | 600     | For equipment and, if necessary, for the salary of an instructor.                |
|                   | (1) Hobart Kachahri club ..  | 600     | For one <i>pucca</i> tennis court, furniture and games material.                 |
|                   | (2) Dewar club ..  | 1,000   | For completion of building and purchase of furniture.                            |
| Fyzabad ..        | (3) Hobart Tennis club, Akbarpur.  | 150     | For screens.   |
|                   | (4) Hobart Officials club, Bikanpur.   | 150     | For <i>pucca</i> tennis court and screens.                                       |
|                   | (5) Hobart Shia Tennis club, Fyzabad.  | 150     | For screens and other material.  |
|                   | (1) Council Chamber club ..  | 1,000   | For the encouragement of games.  |
|                   | (2) Arya Samaj, Lucknow ..   | 750     | For meeting a part of the cost of the proposed gymnasium at Ganeshganj, Lucknow. |
| Lucknow ..        | (3) Old Boys' Association of Amir-ud-daulah Islamia high school, Banks road.   | 300     | For the encouragement of games.  |
|                   | Total ..   | 25,000  |  |

# LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

*Tuesday, January 25, 1927.*

The Council met in the Council Chamber, Lucknow, at 11 a. m.  
The Hon'ble Rai Bahadur Lala Sita Ram in the Chair.

## PRE-SENT :

(101)

|   |  |
|---|--|
| The Hon'ble Sir Sam O'Donnell.                      | Thakur Shiva Shankar Singh.                          |
| The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan. | Rai Bahadur Thakur Hanuman Singh.                    |
| The Hon'ble Rai B. Jeshwar Bali.                    | Rai Pandit Babu Abhinandan Prasad.                   |
| The Hon'ble Thakur Rajendra Singh.                  | Babu Gangai Prasad Roy.                              |
| The Hon'ble Nawab Muhammad Yusuf.                   | Pandit Govind Balabhai Pant.                         |
| Mr. G. B. Lambert.                                  | Pandit Bahari Dutt Pant.                             |
| Mr. E. A. H. Blunt.                                 | Mr. Mukund Lal.                                      |
| Kunwar Jagdish Prasad.                              | Rai Bahadur Chandra Jagannath Prasad.                |
| Sir Ivo Elliott.                                    | Raja Bahadur Bhawanath Sarau Singh.                  |
| Mr. P. H. Telford.                                  | Rai Bahadur Babu Mohan Lal.                          |
| Mr. H. A. Lano.                                     | Rai Bahadur Pandit Sinkata Prasad Bajpai.            |
| Mr. A. W. Pam.                                      | Raja Raghuraj Singh.                                 |
| Mr. A. W. McNair.                                   | Maharaj Kumar Mijar Mahajit Singh.                   |
| Khan Bahadur Chaudhri Wajid Husain.                 | Mr. C. Y. Chintamani.                                |
| Mr. E. L. Norton.                                   | Mr. Zahir Ahmad.                                     |
| Mr. F. F. R. Ghaner.                                | Haji Abdul Qayum.                                    |
| Mr. R. J. S. Dodd.                                  | Mr. Muhammad Abdul Bari.                             |
| Colonel G. Tate.                                    | Maulvi Zahir-ud-din.                                 |
| Mr. A. H. Mackenzie.                                | Sayid Tufail Ahmad.                                  |
| Mr. G. Clarke.                                      | Khan Bahadur Shaikh Zia-ul-Haq.                      |
| Khan Bahadur Mr. Masud-ul-Hasan.                    | Lieut. Nawab Jamshed Ali Khan.                       |
| Mr. K. Ahmad Shah.                                  | Nawabzada Muhammad Laqat Ali Khan.                   |
| Babu Ram Charana.                                   | Hafiz Muhammad Ibrahim.                              |
| Babu Prag Narayan.                                  | Lieut. Khan Bahadur Nawabzada Abdus Sami Khan.       |
| Babu Ganesh Shankar Vidyarthi.                      | Shaikh Abdullah.                                     |
| Mr. A. P. Dube.                                     | Khan Bahadur Hafiz Hidayat Husain.                   |
| Pandit Rahis Bihari Tiwari.                         | Mulvi Saif-ud-Din H. b. b. ul-lah.                   |
| Rai Bahadur Lala Shyam Sundar Lal.                  | Khan Bahadur Shah Badro Alam.                        |
| Babu Bhagwati Sahai Bedar.                          | Shaikh Ghulam Husain.                                |
| Thakur Manjit Singh Rathor.                         | Dr. Shafiat Ahmad Khan.                              |
| Chaudhri Mangit Singh.                              | Khan Bahadur Sayid Jafar Husain.                     |
| Rai Sahib Lala Jagdish Prasad.                      | Khan Bahadur Shaikh Saiyid Muhammad alus Marku Mian. |
| Chaudhri Vijai Pal Singh.                           | Khan Bahadur Maulvi Muhammad Fazlur-Rahman Khan.     |
| Pandit Nanak Chaud.                                 | Khan Bahadur Hakim Mahbub Ali Khan.                  |
| Thakur Munak Singh.                                 | Khan Bahadur Maulvi Fasih u-din.                     |
| Thakur Pratap Bhan Singh.                           | Khawaji Khalil Ahmad Shah.                           |
| Thakur Bikram Singh.                                | Shaikh Muhammad Habib ullah.                         |
| Thakur Hukam Singh.                                 | Raja Sayid Ahmad Ali Khan Alvi.                      |
| Raja Kushal Pal Singh.                              | Mr. Muhammad Habib.                                  |
| Rao Krishna Pal Singh.                              | Mr. St. George H. S. Jackson.                        |
| Lala Nemi Saran.                                    | Rai Bahadur Munshi Ambe Prasad.                      |
| Rai Sahib Kunwar Sardar Singh.                      | Rai Bahadur Lala Bihari Lal.                         |
| Thakur Sadho Singh.                                 | Rai Bahadur Lala Mathura Prasad Mehrotra.            |
| Pandit Brijnandan Prasad Misra.                     | Raja Shambhu Dayal.                                  |
| Pandit Bhagwat Narayan Bhargava.                    | Kunwar Biseshwar Dayal Seth.                         |
| Rao Udaibir Singh.                                  | Raja Jagannath Baksh Singh.                          |
| Thakur Har Prasad Singh.                            | Mr. E. M. Souter.                                    |
| Babu Kishori Prasad.                                | Mr. J. P. Srivastava.                                |
| Babu Shyam Lal.                                     | Rai Bahadur Babu Vikramajit Singh.                   |
| Babu Uma Shankar.                                   | Pandit Iqbal Narayan Gurtu.                          |
| Pandit Venkatesh Narayan Tiwari.                    |  |
| Babu Kavendra Narayan Singh.                        |  |
| Pandit Shri Sadayatan Pande.                        |  |
| Raja Sri Krishna Dutt Dube.                         |  |

## QUESTIONS AND ANSWERS.

**STARRED QUESTIONS .**

**\*1. Pandit Govind Ballabh Pant :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

## POSTS OF THE HEADS OF DEPARTMENTS.

**\*2. Pandit Govind Ballabh Pant :** Will the Government be pleased to state how many posts of the heads of departments were held by the members of the Indian Civil Service and how many by others on January 1, 1921, 1923, 1925 and 1927 respectively ?

**The Hon'ble Sir Sam O'Donnell :** A statement is laid on the table.

(*See Appendix A, page 144.*)

**Pandit Govind Ballabh Pant :** Is there only one member of the Indian Civil Service serving as the head of a department in addition to the two members of the Board of Revenue the Chief Judge and the Chief Accounting Officer created in 1926 at present ?

**The Hon'ble Sir Sam O'Donnell :** Yes.

**Pandit Govind Ballabh Pant :** Is the Commissioner of Excise a member of the Indian Civil Service?

**The Hon'ble Sir Sam O'Donnell :** No.

**Pandit Govind Ballabh Pant :** Is Mr. Waugh the Commissioner of Excise ?

**The Hon'ble Sir Sam O'Donnell :** No.

**Pandit Govind Ballabh Pant :** Who is the Commissioner of Excise ?

**The Hon'ble Sir Sam O'Donnell :** Mr. Gibb is the Commissioner of Excise ?

**Pandit Govind Ballabh Pant :** Is there no other member of the Indian Civil Service as head of any department except the Registrar of Co-operative Societies ?

**The Hon'ble Sir Sam O'Donnell :** There is none to my knowledge. If the honourable member can find any such case by examining the Civil List, I shall rather be surprised.

**Pandit Govind Ballabh Pant :** When did Mr. Gibb take over from Mr. Waugh ?

**The Hon'ble Sir Sam O'Donnell :** In the beginning of October, I believe. As a matter of fact he held the appointment for quite a long time.

**\*3. Pandit Govind Ballabh Pant :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

**EAST INDIAN RAILWAY ADVISORY COMMITTEE.**

Election by the non-official members of the Legislative Council of three members to represent rural interests and the travelling public on the local Advisory Committee of the East Indian Railway.

The following nominations were made :—

Pandit V. N. Tiwari was proposed by Rai Bahadur Lala Mathura Prasad Mehrotra and seconded by Raja Jagannath Bakhsh Singh.

Khan Bahadur Hafiz Hidayat Husain was proposed by Maharaj Kunwar Major Mahijit Singh and seconded by Mr. C. Y. Chintamani.

Babu Bhagwati Sahai Bedar was proposed by Lala Nemi Saran and seconded by Thakur Manak Singh.

Babu Prag Narayan was proposed by Thakur Hukum Singh and seconded by Raja Kushal Pal Singh.

**Babu Kavendra Narayan Singh :** I propose the name of Pandit Shri Sadayatan Pande.

The proposal was not seconded and was therefore dropped.

**Thakur Manjit Singh Rathor :** I propose that the nomination be closed.

**The Hon'ble the President :** The proposal is out of order.

**The Hon'ble the President :** The following four names have been proposed for three vacancies :—

Pandit Vankatesh Narayan Tiwari, Babu Bhagwati Sahai Bedar, Babu Prag Narayan, and Khan Bahadur Hafiz Hidayat Husain.

The election will take place.

Votes will be counted and the results will be declared later. In the meantime we will proceed with the other elections.

**ROHILKHAND AND KUMAUN RAILWAY ADVISORY COMMITTEE.**

Election by the non-official members of the Legislative Council of one member to represent rural interests and the travelling public on the local Advisory Committee of the Rohilkhand and Kumaun Railway.

The following nominations were made :—

Pandit Brijnandan Prasad Misra was proposed by Rai Bahadur Babu Vikramajit Singh and seconded by Lala Nemi Saran.

Khan Bahadur Saiyid Muhammad was proposed by Maharaj Kumar Major Mahijit Singh and seconded by Khan Bahadur Saiyid Habib-ullah.

**The Hon'ble the President :** The following two names have been proposed for one vacancy :—

Pandit Brijnandan Prasad Misra and Khan Bahadur Saiyid Muhammad

The election will take place.

Votes will be counted and the result will be declared later.

## BENGAL AND NORTH-WESTERN RAILWAY ADVISORY COMMITTEE.

Election by the non-official members of the Legislative Council of two members to represent rural interests and the travelling public on the local Advisory Committee of the Bengal and North-Western Railway.

The following nominations were made :—

Khan Bahadur Mr. Muhammad Ismail was proposed by Mr. C. Y. Chintamani and seconded by Raja Jagannath Bakhsh Singh.

Rai Bahadur Babu Abhainandan Prasad and the Raja of Jaunpur were proposed by Maharaj Kumar Major Mahijit Singh and seconded by Raja Kushal Pal Singh.

Khawaja Khalil Ahmad Shah was proposed by Lala Nemi Saran and seconded by Thakur Manak Singh.

Rai Bahadur Thakur Hanuman Singh was proposed by Rai Bahadur Vikramajit Singh and seconded by Rai Bahadur Lala Mathura Prasad Mehrotra.

Babu Sampurnanand was proposed by Thakur Har Prasad Singh and seconded by Thakur Manjit Singh Rathor.

**Rai Bahadur Thakur Hanuman Singh:** I wish to withdraw my name.

**The Hon'ble the President:** The following five names have been proposed for two vacancies :—

Khan Bahadur Mr. Muhammad Ismail, Rai Bahadur Babu Abhainandan Prasad, Raja Sri Krishna Dutt Dub, Khawaja Khalil Ahmad Shah and Babu Sampurnanand.

The election will take place.

Votes will be counted and the result will be declared later.

## MUSLIM ADVISORY BOARD, ALLAHABAD UNIVERSITY.

Election by the non-official Muslim members of the Legislative Council of a member to serve on the Muslim Advisory Board of the Allahabad University.

Shaikh Abdullah was proposed by Mr. Zahur Ahmad and seconded by Khan Bahadur Shah Badre Alam.

**The Hon'ble the President:** As there is one vacancy and only one name has been proposed, Shaikh Abdullah is elected.

## ANNOUNCEMENT *re* DEPUTY PRESIDENT.

**The Hon'ble the President:** I have to announce to the Council the approval of His Excellency the Governor to the election of Mr. Mukandi Lal as the Deputy President of this Council.

RESOLUTION *re* AMENDMENT OF DISTRICT BOARD  
EDUCATION RULES.

**Lala Nemi Saran :** I beg to move the following resolution :—

“That this Council recommends to the Government to so amend rule 10(3) of the District Board Education Rules (published in the *United Provinces Government Gazette* of June 6, 1925 as No. 883/XV—804) as to empower the board to exercise the powers mentioned therein, or delegate those powers to its chairman, Education Committee, or the chairman of such committee, subject to an appeal to the board.”

To make my resolution clear I wish to read the rule referred to in the resolution. The rule says that the chairman of the board shall have all other powers regarding appointment, leave, punishment, dismissal, transfer and control of teachers. It is this rule which the resolution wants to amend. As far as this rule is concerned, this is not the first time that it is going to be discussed on the floor of this House, though it was not formerly discussed in the form of a resolution as I want to do now. My friend, Mr. Aslam Saifi, who is no longer, unfortunately, a member of this House, put certain questions to the Government regarding this rule, and the trend of the questions and also the supplementary questions which were put thereon show that this House did not favour the rule as it was framed. Referring to the questions which I have just mentioned, I would draw the attention of the House to the Legislative Council proceedings of February 24, 1926. There were a set of questions (about ten in number) regarding this rule, and I would only like to draw the attention of the House to a few of them which are very pertinent to the question now under discussion. The first question put was to ascertain from the Hon'ble Minister whether the opinions he had obtained were unanimous in respect of this rule or whether there was any difference of opinion to which the Hon'ble Minister did not like to answer in detail, as he said that they were too numerous to quote in reply. But at least this much he said in his reply that there were only fourteen district boards who gave their opinion, and out of these fourteen only one district board had given its opinion through the select committee which was framed by that board for the purpose. The remaining thirteen replied through their chairmen without giving any opportunity to their members to discuss this question. As far as other public opinion was concerned, the Hon'ble Minister could not disclose or rather he did not like to give that information to the House in reply to these questions. No doubt the scope of the questions was very limited and the Hon'ble Minister could not give us all the information then, but now I believe in his reply to this resolution he will have ample opportunity for laying before the Council all the communications and all the opinions which might have been received regarding this rule.

Before going into the merits of the rule itself, I want to draw the attention of the House to some legal and pseudo-legal irregularities which the Education department—it is I believe the Education department which is responsible for these rules—has committed. These illegalities are quite manifest which were admitted by the Hon'ble Minister to exist and the Hon'ble Minister promised to the House that he would examine them. My first objection to the framing of this rule is that it has not been legally framed and that the notification in the *Gazette* in the form it stands at present cannot give a legal standing

[Lala Nemi Saran.]

to it. The Gazette which I am reading, i.e., the Gazette of June 5, 1925, says that these rules, including the rule to which I am referring, were framed by the Government in exercise of the powers conferred by section 172(2) of the District Boards Act. I just want to know whether the Government were justified in framing a rule like that under the section referred to therein. I think the Hon'ble Minister must have found out now from his legal advisers that there is some mistake which was overlooked at that time. Section 172(2) does not provide for the making of a rule under which certain powers which the board has under the District Boards Act could be delegated either to the chairman of the board or to a certain committee. If honourable members will read section 173(2), they will find that the Local Government can by regulation framed under that section delegate those powers which the board has either to the chairman or to a committee thereof. Therefore my first objection is that instead of framing a rule under section 172(2), a regulation should have been made under section 173(2) of the District Boards Act.

My second point is that this rule, which was published along with other draft rules, is not in the form in which it was first published. I do not know what influenced the mind of the Government and the Hon'ble Minister to change it subsequently. Anyhow, the rule as it now stands is not that which was published for objections, and I want to know the reasons which led the Hon'ble Minister to change it.

My third objection is that there is a standing committee for the Local Self-Government department, or rather it is in the nature of a board constituted by this Council. May I know from the Hon'ble Minister whether this question which is so very important and which affects the rights of the boards and the chairmen was ever put before that standing committee or whether it was published in the usual way and arbitrarily sanctioned? In his reply to Mr. Suiff's questions the Hon'ble Minister said that he thought it was due to the fact that when they were making the rule there was no meeting of the committee, and that he could not say why it was not placed before that committee. He wants to evade the question by asserting that at the time when the rules were being framed there was no meeting of the committee and therefore they could not be placed before it. I at least do not consider the Hon'ble Minister's reply to be suitable. After reflection he might himself find it difficult to reconcile it with the intentions with which the committee was established. That committee was formed for the purpose of giving advice to the department in matters which vitally affect the administration of the department. I therefore think that the rule which is now under discussion ought to have been placed before that committee, and if that committee was not sitting then, it could have been called to meet and the rules could have been placed before it. The committee could then have discussed the rule and given their advice thereon, but the Hon'ble Minister did not think it fit to place this matter before them. In reply to questions he said that he had discussed the rule informally with certain representatives of district boards. I do not understand what he means by saying that it was discussed by him informally with certain representatives of district boards. I think a rule like this which affects vitally the discipline and the administration of the district boards ought to have been first placed before the committee,

and it should also have been circulated to the district boards and they should have been asked to give their opinion not through their chairmen, but by a resolution. No such thing was done, but only some representatives of certain district boards were consulted. Only fourteen boards gave their opinions, and out of them thirteen through their chairmen and one by a resolution of the select committee which was specially constituted for the purpose. All these things go to show that due public opinion was not taken on the question and all the boards and persons who were vitally affected by it were not given sufficient opportunity to discuss it and submit their considered opinion to the Government before the rule was made final.

So far I have tried to show how the Education department framed the rule and gave a final form to it. Now as far as the intrinsic merits of the rule are concerned I have got to say a few words. The District Boards Act gave the powers mentioned in this rule to be exercised by the board under section 82. True, these powers can be delegated by the board, and under section 173(2) of the Act they can be delegated by a regulation framed by the Local Government to the chairman or to a committee of the board or to any other body, but the point is whether it is feasible, whether it is conducive for the better management and better administration of the boards to concentrate these powers in the hands of one person without any appeal therefrom. The rule concentrates all these powers—powers of dismissal, appointment, transfer and such other powers as have any connexion with the teachers—in the hands of the chairman, from whose orders there is no appeal, there is no revision and about which no resolution can be admitted or discussed in the board.

It may be said that the chairman being an elected chairman commands a majority in the House and as such he is . . . . .

**Raja Jagannath Bakhsh Singh :** Not necessarily elected.

**Lala Nemi Saran :** I accept the correction of Raja Jagannath Bakhsh Singh. Not necessarily elected, but in certain cases and circumstances nominated also. If we take for granted that in all cases he is elected, it may be argued that he, being an elected representative of the board, is most likely to reflect in his decisions the opinion of the majority and therefore in order to make the administration and discipline effective he should be given such powers. In this connexion I would submit that in the district and municipal boards we are at present like students. These departments of administration are new for Indians. The District Boards Act of 1922 has given a training to Indians for only about four years in this department. No doubt we make mistakes. No doubt many members, in some cases even the majority of members, are such as do not listen to sound advice or do not care for the well-being of the board. They only act according to their idiosyncrasies or according to their own ideas. After all, the question is whether we should concentrate these powers in the chairman simply because we know or we are led to believe that members of the boards are not sufficiently educated to discharge their duties efficiently and are not so responsible as to understand the principles of discipline. It may be true in the case of certain members that there have been certain irregularities and therefore the concentration of these powers in the hands of the chairman may be conducive to efficient management, but



[Lala Nemi Saran.]

we have got to see whether in principle it is right. As far as I think, the chairman of the board as now constituted does not belong to any specific party. There are no political parties in a district board like in this House or like other legislatures. The chairman of a board is not elected on any party basis; he is not elected because he has got a majority in the House; but he comes in simply because he has got certain qualities and some knowledge of administration which a majority of the members appreciate and because he is expected to manage the affairs of the board better than other members. So when it is admitted—which no one can possibly deny—that there are no parties, there are no well-defined political or pseudo-political parties in these boards to concentrate these powers in the hands of a person who cannot be ousted by the board is, I think, not a sound principle of administration. Once a man is elected chairman he is safe irrespective of the vote of the board. It may be said that if a board passed a vote of censure on its chairman, he has got to resign, and that it may not be a legal obligation on him, but at least it is a moral obligation. But I beg to submit that there have been cases during the last six years where votes of censure have been passed on chairmen and still they have not thought it fit to resign.

**Rai Bahadur Babu Vikramajit Singh :** What about the new amending Act?

**Lala Nemi Saran :** There is no amending Act here. There was an amendment to that effect only with regard to the Municipalities Act and not to the District Boards Act. Then again the second question is whether for every act of the chairman which may in itself be an outrage of justice the board should think it fit to pass or can pass a vote of censure on him. They may be most dissatisfied with him, but there are other local under-currents or politics which do not allow members to pass a vote of censure on him. Many honourable members, perhaps all of us who are here, know their position that after they have once elected a chairman they find themselves absolutely helpless in turning him out even if they are most dissatisfied with him. Moreover, the appointment of teachers is considered a sort of patronage by chairmen. I at least am one who would not like to concentrate this patronage, if it be so in the hands of the chairmen. What do these chairmen generally do? They in order to keep their seats as chairmen want to oblige one member or another by appointing one man recommended by one and the other by another and in this way they make their position secure and their chair safe. I have got to know from the Hon'ble Minister whether since this rule has been framed there has been any change in the administration of the board; has there been a change for the better in the efficiency? The Hon'ble Minister has to enlighten us on this point, but as far as I know from the experience of my own district and also from the experience of certain friends here whom I have met, this rule has in no way changed the administration, and if it has effected any change, that change has been for the worse and therefore people are most dissatisfied with this rule, especially the persons whom it most vitally affects, that is the teachers. Then again we know that chairmen of district boards, if they are non-officials, are entitled to stand for election to the Councils and the Assembly and also for re-election to the boards. We also know that the

abuse of these powers by the chairmen, especially during the elections, is flagrant. I think all those gentlemen who are sitting in this House know it better than myself, and some of them will be coming forward with their story about their own districts. My resolution says that the powers mentioned therein should be exercised by the board itself, and if it thinks fit it may delegate those powers either to the chairman or to the chairman of the Education Committee if there is one or to the Education Committee thereof. This delegation shall be subject to an appeal to the board. I, Sir, tried to find out whether there was any service which was under such an autocrat as a chairman of a district board, but failed to find one. District board teachers are in fact placed in such a bad position and under such an autocratic master that they are helpless. There is no appeal, there is no revision of the orders passed by the chairman rightly or wrongly, with justification or without it, and there is no way to redress their grievances on this count. Those who want that this service should flourish and should consist of men who know their own business should support this proposal, but if they want that it should be a sort of patronage to be exercised by the chairman I have got nothing to say. As far as I think this service is of the greatest use and importance in the formation of good citizens. Generally people cannot afford to get education for their children in Anglo-Vernacular schools, but they go to vernacular schools for it. If we want good education for them, we must make the position of the teachers in these schools safe. But it would be impossible to find good men to work in the service if it is placed under the autocratic control of the chairman.

My resolution is very innocent, and it is also one which can be supported even by persons who think that the chairman should have powers to do all things. All my resolution asks is that in case there is a chairman who commands the confidence of the majority of the board or of all the members, then in that case the board would be quite glad to delegate powers to that chairman without any hindrance, and then the position of the chairman and of the service would be exactly the same as it is under the present rules. But in those cases in which the chairman is not such, or unfortunately we cannot find a person who can command the confidence of the majority, but still he has to be in the chair for certain reasons; in those cases the board may withhold the powers from him and delegate the powers to the chairman of its education committee or the committee itself as it thinks fit. This rule holds for both sides. I believe, as far as the question of efficiency is concerned, if the district board cannot be expected in a responsible way to discharge its duties in regard to this matter of administration, then, I believe, that the chairman as only one individual cannot be trusted either. Again, until there is some evidence to show that the boards are not using powers correctly there is no object in taking them away. Instead of taking away these powers, it would be better to try to influence the electorate to send men who understand discipline and administration to the boards. Therefore my submission in this resolution is this, that it is unjust, at least to my mind, to concentrate all these powers in the hands of one person and to deprive the teachers of any appeal either to the board or to anybody in the world from the order of a chairman. It may be said by the opposite benches that we are trying an experiment, and that in due course if we find grievances we will adjust things. But it is for the House to determine whether

[Lala Nemi Saran,]

there are grievances. I personally can say that there are a great many grievances. Many of the district board teachers have complained to me and many members of district boards have complained also. I am putting this resolution not as an individual but as a representative of a constituency, and I know that my constituency feels that this rule should be changed. It is for this purpose I have brought this resolution before the House, and it is for the House to consider and find out whether it is in the interests of the province or not that these powers should be left in the hands of one autocrat, the chairman. I reserve my further remarks and final attitude till I have heard from the Government what information they have in their possession necessitating this rule.

**The Hon'ble Rai Rajeshwar Bali:** I rise at once in order that I may make the position of the Government in regard to this matter perfectly clear, and so that the issues may be made clear before the House. I had discussed this question in 1924 with a number of members of the district boards, and the general opinion of those who had had the opportunity of serving on local bodies was that at considerable part of the time of the boards was wasted in discussing little administrative details, such as whether a certain teacher should be transferred from one place to another, or whether certain punishment should be given to a teacher or not. I too had an opportunity of serving on the district board of my own district, and I know by experience that almost all the time of the board used to be wasted in discussing these little details. Whenever there were any orders for the transfer of a teacher he would run through the district and canvas every individual member with the result that this single transfer was hotly discussed before the meeting of the whole board. With this object, when I held the district boards conference in November, 1924, I made the suggestion to the conference to consider whether it would be advisable that this power should remain with the entire board or be concentrated in one person. That conference appointed a small committee to assist me in revising and in discussing these various rules. And so far as I remember, it was the unanimous decision of that committee that it would lead to better efficiency and better administration of education in the rural areas if we concentrated this power in one person. As a result of that decision we made this rule. Last year Mr. Aslam Saifi raised this question in the form of a starred question. I gave certain replies which have just been read out by the honourable mover, and it was suggested that this question should not be discussed on the floor of this House. I was prepared for that discussion, but not in the form of supplementary questions. I remember I then invited a number of honourable members of the last Council to discuss this question with me informally and said I had an open mind on this question and if they convinced me that it would lead to better administration to let the power be with the whole board, I was quite prepared to consider it. But it was never discussed, and as no member raised this question, it remained where it was. I see the difficulties on both sides. I quite admit that the rule as it stands is liable to considerable abuse. On the other hand, I think, it would not only be equally abused, but also it would waste the time of the boards if the entire board were entrusted with the duty of dealing with

transfers, appointments and punishments, etc. I do not consider it to be undemocratic if the administration of this power does not rest entirely with a large body consisting of from 17 to 42 members. I know there is considerable feeling over this question and I am also aware of the correspondence which appeared in the "Leader" some time back regarding this question. I feel that the question of the administration of rural education has considerably grown in importance on account of the passing of the Compulsory Primary Education Act. There are a number of other questions which have been raised in this connexion. I therefore feel that it would be better if we reviewed the whole position afresh, and, therefore, with this object I am prepared to appoint a small committee consisting of a few members of this House, a few representatives of the district boards, and a few officers of the Education department to look into the whole question and inquire into the constitution and functions of the education committees which are in charge of rural education. I will refer this question also to that committee and I am quite prepared to consider the whole question when that committee has issued its report. I hope this will satisfy the honourable member and that he will withdraw the resolution—

**Rai Bahadur Lala Bihari Lal:** I have heard the arguments advanced by the honourable mover of the resolution, and I must say that I am not satisfied with what he has said. Therefore, I rise to oppose the resolution put forward by him. I have had experience of.

**Thakur Manjit Singh Rathor:** May I say that Government have accepted the resolution?

**The Hon'ble the President:** Order: order. The honourable member should be allowed to proceed. He is entitled to express his views.

**Rai Bahadur Lala Bihari Lal:** I have had the experience of two different local bodies, one where the powers now under discussion before the House were vested in the chairman of the board and the other where those powers had been delegated to the committee with a right of appeal to the board. I have come to the conclusion, after comparing these two systems, that the resolution of the honourable mover, if adopted, would have the effect of seriously retarding the progress of local self-government in these provinces. It appears to me, Sir, that if local bodies are to develop on healthy lines it is very necessary that these boards from the very beginning should learn the value of separating the executive from the deliberative functions. Unless this is done I am afraid the administration of the boards cannot be efficiently run. Not only would the course proposed lead to loss of discipline, but would also seriously interfere with the discharge by the boards of the functions which ought to be carried out by the general body of the members of the boards. Sir, I am averse to striking a personal note or mentioning my personal experiences, but I would beg the indulgence of this House if I refer to my experiences first as a member of a board and afterwards as the chairman of a district board. My experience is that if an appeal lies to the board then it will be absolutely impossible for any board to dismiss any servant, however grave the charge against him may be. I have had experience of the Allahabad municipal board also and it is notorious that for want of powers vested in the chairman, certain incompetent and undesirable servants are continuing in their

[Rai Bahadur Lala Bihari Lal.]

offices without being turned out, because the servant who has been dismissed or punished goes about and canvasses the members, with the surety that he will be reinstated or his fault condoned. These are my experiences and they should not be lost sight of, because they are my practical experiences and I have learnt from other sources also that the same thing occurs in other boards. If any action of the chairman is not approved by the majority of the members, then it is in the power of the members to pass a vote of censure, and if the chairman is a respectable man he must vacate his place at once. It may be argued that there have been such cases where when the vote of censure was passed the chairman did not vacate office. In the last Council an amending Bill was brought forward, and the Municipalities Act, was so amended that the chairman can be removed if within three months of the passing of the vote of censure the members again desire him to resign and if he does not resign the Government will remove him.

I think the better course for the mover of this resolution would be to bring an amending Bill to the District Boards Act also. If the mover of this resolution is dissatisfied with some of the chairmen of district boards then for the sake of those individual cases the principle should not be sacrificed. I can mention instances, at least, I can quote a case in the Allahabad Municipal Board where a servant of the board was challaned for embezzlement and the sessions judge passed scathing remarks on the administration of that department. But no action was taken to punish any of the servants in that department, because the power of punishment did not lie with the chairman. The chairman is the executive head of the board and he is responsible for the efficient administration of that institution. If he is not given the power to discharge the responsibilities imposed upon him, how then can he possibly maintain discipline in the board? The chairman is always made the target of adverse criticism not only by the members of the board, but also by the general public if there is anything wrong with the administration of the board. Then if he is not in a position to maintain discipline or to run the administration efficiently, how can he be blamed when you deprive him of these powers? So, from a practical point of view, I say that these rules which the Government have made have not been framed in a hurry, but that they were the result of deliberate discussions by the representatives of the district board's conference which included not only the chairmen but also the members of district boards. A sub-committee was formed and that committee unanimously recommended to the Minister of Local Self-Government who is at present our Hon'ble Minister of Education. The minister also had experience of the same difficulty when he was a member of a district board and these rules were framed in the best interests of the administration of district boards.

I would also like to mention some instances where the members have tried to influence and have sought to interfere with the discretion of the chairman. I am proud to say that, in the district board of Allahabad, there has been no such interference, because all the members were quite satisfied with what the chairman did; the chairman there never did anything without consulting the members, but had always taken the members into his confidence. Therefore, I can say without any exaggeration that no board in these provinces is run so smoothly

as the district board of Allahabad. I may mention one instance where the members have tried to interfere with the discretion of the chairman. A certain employee of the district board of Allahabad in conspiracy with a certain contractor and others, drafted an anonymous letter to the commissioner in which he had mentioned the names of some of the members of the board and accused them of having taken commission from contractors. He also accused the chairman of being addicted to bribe-taking. By chance that draft letter came into the hands of the secretary, who brought it to the notice of the chairman. That letter was written by three different hands and the part written in ink was recognized to be that of an employee of the board. This man was at once called for and asked whether he had written that letter. He admitted the letter to be in his hand-writing. The chairman with two other members of the board formed a committee to inquire into the matter. The committee after going thoroughly into the matter and after due consideration unanimously decided that that man should be dismissed. As this man was a Government servant whose services had been lent to the board, he could not be dismissed without the permission of the Government. The papers were therefore sent to the commissioner and this man also appealed to him. The commissioner after thorough consideration of the whole affair recommended to the Government that the man should be dismissed. All this took six months and in the meantime this man had been going about and canvassing with the members and bringing pressure on the chairman that he should be reinstated. The chairman turned a deaf ear to all these entreaties because he thought that he should not create a bad precedent of reinstating those persons who are found guilty of such grave charges. The dismissed man, however, succeeded in influencing the members of the board by saying that his children had been starving for the last three months and the members sent a requisition to the chairman that the question of this man's dismissal should be considered by the board. As the chairman had got absolute power under section 68 he disallowed that requisition and thus the matter ended. If an attempt is made to bring such cases before the board, then what would happen if there is a right of appeal to the board? The board ought to be an institution which should chalk out principles and the chairman should carry them out. If the chairman fails in the discharge of his duties, then the remedy lies with the members of the board and they can pass a vote of censure on the chairman who, if he is a self-respecting man, ought to resign at once. There were, however, some chairmen who had not resigned even after the passing of vote of censure against them. To remedy this I suggest that a District Board Amending Bill should be brought before the House, on the lines of the Municipalities Amending Act. I can quote many instances where the dismissed servants of the board have been reinstated or have been leniently dealt with in spite of the grave charges that were brought against them. I will not waste the time of the Council, but will read a passage from the annual administration report of the Allahabad Municipal Board written by no less a personage than a swarajist chairman, Pandit Kapil Deva Malaviya.

Pandit Kapil Deva Malaviya said :—" The United Provinces Municipalities Act has been in operation for more than ten years now and experience has shown that it is not an ideally perfect piece of legislation. A striking illustration of its imperfection is offered by the powers or the

[Rai Bahadur Lala Bihari Lal.]

want of powers with which the chairman of the board is invested. While this functionary is supposed to be the executive head of municipal administration and while he has to bear the brunt of all public criticism in respect of acts of all municipal employees, the law does not empower him to inflict any punishment on any municipal servant, be he the chairman's own orderly. The executive officer can punish municipal servants drawing a certain salary. In the case of those who are not within the cognizance of the executive officer, the latter, however much dissatisfied with their work, has to content himself with making a report against them to the chairman. But the chairman is utterly helpless in the matter and all that he can do is to lay such cases before the board. No person who is conversant with the requirements of administration would suggest that all such cases should be referred to the board for decision. If the chairman took to petitioning the board for help on every single occasion when disciplinary measures are in his opinion called for, the morale and discipline of municipal servants as well as the work of the board would be injuriously affected. And even in extreme cases when the chairman makes a complaint to the board against an employee, the board becomes a hot bed of intrigue and marvellous feats of canvassing for votes for and against the employee in question are performed by the zealous patrons and their antagonists. Public interest yields precedence to the personal equation, and the chairman quakes in his shoes as he thinks of the none too pleasing developments arising from the apparently innocent proposal to punish dereliction of duty or commission of crime by a municipal servant." If the facts explained above do not carry weight with the members of the Council, then I am afraid the administration of the district board would greatly suffer. With these words, I oppose the resolution.

**Khan Bahadur Maulvi Fasih-ud-din:** On this occasion at least I was going to follow the principle that silence is golden, but after hearing the speech of my learned friend the great champion of chairmen and the great cynic as far as the work of the members of district boards is concerned, I am rather inclined to break that principle. Sir, it is admitted on all hands that the two institutions of local self-government, namely, the municipal and district boards, are a step forward in the direction of the achievement of a responsible self-government for India. They are in fact the levers on which our political uplift rests, and they have a great future before them. I admit, Sir, that many of the district and municipal boards are not managed so properly as a political enthusiast and as a true Indian nationalist would wish them to be. But, at the same time, we must not forget the fact that these institutions are still in a state of infancy. They are as it were in the cradle and for that reason it will take them time to stand on their own legs. Sir, I think, that it is for this reason and for this very reason that we, the members of the Council, who are the custodians of the rights and prerogatives of these two great and useful institutions, should always guard against any encroachment on their powers. Sir, I do admit that there are some very good chairmen amongst us in these provinces; and I admit that there are some chairmen who are a pride to our country and who can hold their own

against any the best and most competent official administrator of a district. But at the same time one cannot deny the fact that there are chairmen and chairmen. There are on the other hand chairmen who are a disgrace to their country. There are chairmen who are so much in evidence in the visiting shed of the collector from morning till noon with a bundle of files under their arms in order to worry the collector and ask his opinion about every little matter that comes before them. It is for this reason that we should not be actuated by the conditions of any particular locality. We should look at this question from a broad point of view. We should look at it from the point of view of 'democratic principles, and we should not introduce our own passions and our own ideas about what happens in Allahabad or any other town. I, therefore, congratulate the honourable mover of this resolution for having given us a chance to discuss this matter. The resolution is a step in the right direction as it tends to prevent the transference of power from a body to an individual. It criticizes a rule of the Government which deprives the board of the power of supervising the teaching staff of the primary schools, which gives that power to one individual and which makes the administration of the primary schools a one man show as it were. I think that it is up to this Council to support this resolution in its entirety. I am rather surprised to hear from the Hon'ble Minister of Education that it is not an undemocratic rule. I do not know what other rule could be more undemocratic. It is a matter of principle that the powers of the board should not be crippled. They should rather be extended. And I think that the Government has no right to deprive the board of its power of exercising supervision over the staff of the primary schools. If the rule had said that the board could delegate its power of supervision to the chairman either of the district board or of the education committee, then I had absolutely no occasion to find fault with it. At the same time I think, Sir, that it is worth while for us to consider the suggestion of the Hon'ble Minister of Education that a committee be appointed in order to overhaul the whole question of primary education, especially the question of the working of education committees provided that he gives us an assurance that this committee will be formed at a very early date and it will be directed to finish its work within a certain period, otherwise we would look upon this assurance as only a sort of excuse for getting rid of this resolution which is now put up before this House.

**Rai Bahadur Babu Vikramajit Singh:** I oppose the resolution moved by my friend Lala Nemi Saran, and I am surprised that he representing the swaraj party should have moved a resolution of this nature. They are clamouring for home rule and self-government at a very early date, and if they cannot trust the chairman to make an appointment from Rs. 10 to Rs. 50, or dismiss a teacher or transfer him from one place to another, I do not know how self-government, if ever granted, will be worked. Is it intended that a bench will always sit down and make appointments, or make transfers or dismiss servants and in that way will the administration be made efficient? If that is the idea, I think it is very deplorable. I can never conceive that a large number of people could sit down and either appoint or dismiss a teacher or make transfers in away that may be considered conducive to the efficiency of general administration. The chairman is considered to be the head of the



[Rai Bahadur Babu Vikramajit Singh.]

administration and he is responsible to the board and to the public for the good administration of the town or district, and if he is not given this power I do not see how he can efficiently discharge his duties towards the administration.

Now, Sir, it is known that everybody's concern is nobody's concern. Can it be considered that if the chairman cannot exercise proper control over the education staff, can all the members of a district board or a municipal board exercise that control over the staff. In the interests of discipline, in the interests of efficiency, in the interests of good administration, a power of this nature must vest in a particular individual. The argument shows that while the members of the board are patriotic, virtuous and good individuals, the chairman will necessarily be a vicious individual. I really fail to see if the selection is made by a majority of the board why should they not exercise a wise discretion in appointing a chairman, and when once they have elected a particular man and put him in the chair then they must trust him as long as they find that he has not betrayed the trust or committed a breach of confidence. In that case it will be their duty, it will be their right, to remove him from the chair, but so long as he commands their confidence as chairman, and so long as he is there, it is their duty to support him. I think this resolution will not be in any way conducive to, the interests of, good administration; it will really mar the administration. My honourable friend has said that many teachers have come and approached him, hence this resolution has really been moved in the interests of the teachers. If there is an inefficient or incompetent teacher he is always safe if the power is not vested in a single individual, but if it is vested in the whole body of members of the board he will be quite safe however incompetent he may be, however inefficient he may be, however negligent he may be, and he will not be removed because it will be easy for him to get hold of some members and entreat them not to dismiss or punish him. Therefore, I submit, that in matters of this nature, the power must always vest in the chairman. I quite agree with Rai Bahadur Rala Bihari Lal that if powers like these are vested in the whole board it will not tend to the efficiency of the board at all. It has also been said by the Hon'ble Minister that to discuss questions of this nature in the whole board is a great waste of the time of the board and one can very easily imagine that if there are a large number of schools and teachers in any district board or municipal board and if the case of every individual teacher is discussed before the board, important matters of policy for the good of administration cannot be discussed. There will be no time left to discuss those questions in which the board should be principally interested. Therefore all these matters of detail, the matters of petty administration should be left in the hands of an individual who is the executive head and should not be brought before the whole body so that the time of the board may not be wasted. I do not know why the Hon'ble Minister for Education thought that a small committee should be appointed to whom this matter be referred. I think it is a very wise rule that has been enacted by the Government and there seems to be no reason for them to consider that there is any general dissatisfaction with reference to this rule. I think that any gentleman who has been in the position of

a chairman of either a municipal or district board would realize from his experience that unless he has some power he will not be able to do good work. But those gentlemen who had not that responsibility think it otherwise. They do not feel the responsibility in the same manner as those persons do who have got to carry on the administration. It has been said that it will be more democratic if we get the whole board to decide a question rather than to leave it to a single individual. If we were to stretch the point, it would be more democratic if we leave it to a body of 5,000 or 10,000 electors the matter of the appointment, dismissal or transfer of a teacher. But every one knows that these matters cannot be left to democracy in that manner. I know that even in the largest body, the congress, it was thought that if one dictator was appointed it will be more conducive to the interests of the congress, and, consequently, it was thought at one time to appoint Mahatma Gandhi as dictator. I think it is always better to have confidence in a particular individual, elect him and put him in the chair and then respect his rulings, unless and until you find that he is incapable or incompetent to discharge his trust. But to have this mistrust or distrust of the chairman of the board will not be conducive either to good local self-government or to the ideal of getting home rule. If you cannot trust your own people I do not see how you can ask for larger things. Have not the Government given powers to certain officers to make appointments, dismissals and transfers; have they got any large bodies or any boards to make appointments, transfers and dismissals. If that power were vested in a large number of people I cannot see how the day-to-day administration can get on. Therefore I think it is not a wise resolution that has been brought before the Council and I think the Council will not be prepared to accept a resolution of this nature which may not be in any way found useful. I have been on the municipal board for a large number of years as a member, as a vice-chairman and now as a chairman, and I can say from my own experience that it will not be well to take away the powers from the hands of a chairman and put it in the hands of the whole board. I know of cases where men have been dismissed for corruption, or for dishonest action, and there were members who wanted them to be reinstated.

Therefore to me it appears, Sir, that the proposition is a very unsound one. The question of such small administrative matters must be left either in the hands of the executive officer or those of the chairman of these district and municipal boards, and these powers should not be made over to the boards themselves. It was said that the municipal and district boards, if they liked, could delegate their powers to the chairman or to the chairman of the education committee. But if there is a desire on the part of certain boards to withdraw these powers from the hands of the chairman, it would be difficult for these boards, to delegate them to the chairman. I, therefore, think that it would be much better to give these powers to the chairman of the board by statute than to leave it to the board to delegate them to the chairman. Therefore, I strongly oppose the resolution which has been put forward by my honourable friend.

**Pandit Bhagwat Narayan Bhargava:** I think I am not mistaken in concluding from the speeches of the two Rai Bahadur chairmen, who

[Pandit Bhagwat Narayan Bhargava.]

have just spoken, that they will not be satisfied with the powers vested in the chairman by this rule unless and until the powers under section 82 of the District Boards Act are conferred on the chairman regarding all servants of the board whatsoever, otherwise I do not know why teachers alone are unfortunate or what particular sin the teachers have committed that they should have no right of appeal, though they get up to Rs. 60 per mensem as pay, while a pound-keeper, who gets only Rs. 12 a month, should have a right of appeal against the order of the chairman or of the secretary or that he should have no power given against a pound-keeper. In the opinion of these two learned friends of mine the administration of district boards cannot satisfactorily go on until all the powers in regard to all servants of district boards are given to the chairman. They cannot reconcile their position in regard to this matter. I think, Sir, that this resolution has raised an important constitutional issue in this House today. We know that the legislature has given certain definite powers to the board under the District Boards Act. The district boards have been given discretion to delegate those powers to their officers, to their servants or to certain committees. I use the word "discretion", because it rests entirely with the boards whether to delegate those powers or not. Now the position under this rule is that even if a board does not wish to delegate these powers to its chairman under section 82, the Government compels that board to accept the delegation of those powers as made by them under this rule. I submit that this rule is entirely against the policy and spirit of the Act itself. Had this rule been made in the pre reform days when the Act of 1906 was in force, I would not have objected to it, but now, Sir, when there is a lot of talk of democratic institutions and lot of reference to democratic principles in the speeches of my friends over there, I do not think how they can reconcile their arguments against this resolution with principles of local self-government and democracy. My friends Rai Bahadur Babu Vikramajit Singh and also Rai Bahadur Lala Bihari Lal Sahib have said that only those who have got experience of these boards can understand the matter in its proper light. I would not have made a personal reference had it not been absolutely necessary. I submit, Sir, that I have got experience of six years of these local bodies as chairman, district board, and chairman, education committee of the municipal board, and I submit that I never found that this rule could work well. On the contrary, I personally regard it illegal and when I was chairman I never cared for it. I never followed it. The district board at Jhansi had made certain regulations under the District Boards Act delegating powers to the chairman and the secretary, subject to the right of appeal. These regulations were followed in my board and not this rule. I think that this rule as framed by the Government is illegal on two grounds: first, the Government has got no power under the existing Act to frame any rule delegating any power to any officer serving under a district board. Government can only frame regulations and they can neither be framed nor take effect unless and until they have been published or objection. I think this rule was never published for objection and when this was not done, it cannot stand.

My friend Rai Bahadur Babu Vikramajit Singh said that when self-government was granted, how it would work. He made certain remarks

about the swarajists and also about the congress. I submit that self government will never mean and has never meant that all executive powers should be concentrated in one particular individual. No doubt the chairman is elected by the members, but if all these powers are to be vested in one single individual, I do not think the board will have any right or opportunity to exercise its privileges and its discretion. My friend the chairman of the Allahabad district board has said that the duty of the members is to chalk out policy, to lay down principles. I congratulate him on this. At least he thinks that the members have got some capacity to lay down principles and to chalk out policy. If members have got that capacity, I certainly do not think how those very members will not be able to give a sound judgment in case an appeal is made to them. Another friend of mine said that even persons dismissed for corruption or for committing certain offences have been reinstated by members. I say that in a democracy in order that it may improve and succeed mistakes will be committed and we can learn only by committing mistakes. If they commit mistakes and if in spite of the commission of those mistakes they do not learn, then their electors have a remedy in their hands. Let their actions be exposed to the electorate; let their actions be criticized in public and their electors will exercise the right of not returning them again. But, I think, it is entirely against democratic principles to say that those members should have no right to question the discretion of the chairman or of any other officer of the board.

The Hon'ble Minister was pleased to say that after consultation with certain members of certain boards he came to the conclusion that small administrative matters should not waste the time of the boards. I am astonished to see that he regards the dismissal of a servant getting Rs. 60 a small matter of administration. In Government departments, a patwari, a chaprasi, has got a right of appeal against an order of dismissal by a tahsildar or by any other superior officer, but here because the servants belong to local self-governing institutions, they should have no right of appeal, however unjustifiable the order of the chairman may be.

It has been argued that if this resolution is passed, it will retard the progress of local self-government and will cause loss of discipline. The resolution does not want that the chairman should have no power; it simply wants that the chairman should be given these powers or that the education committee should be given these powers subject to a right of appeal. I do not see how efficiency of administration will be impaired in this way. My friend Lala Nemi Saran himself said that even those who want that chairmen should have powers should also support the resolution and it is very clear from the resolution itself that it simply wants that those powers should be given subject to a right of appeal. Anyhow the boards should not be forced to forego their rights and powers. As the Hon'ble Minister has just now suggested, the committee may meet and still they may not reach the goal. This rule is both illegal and inconsistent with the policy of the Act and when the Hon'ble Minister does not assure us that it will be replaced by another, I do not think the mover of the resolution will ever withdraw his resolution.

**Raja Shambhu Dayal :**

جناب پرسیڈنٹ صاحب —

یہ ایک ایسا دلچسپ مسئلہ ہے کہ ہر میمبر یہاں پر چاہیگا کہ میں کچھ نہ کچھ تقریر کروں اس وجہ سے کہ ابھی الیکشن (election) ختم ہوئے بہت تھوڑے دن گذرے ہیں اور زخم تازہ ہیں بہت سے صاحبان تو جلے ہوئے ہیں کہ جن کو چیئرمینوں کی کنوینسنگ (canvassing) سے نقصان پہنچا ہے اور بہت سے صاحبان خوش ہیں کہ جو چیئرمینوں کی امداد سے یہاں کونسل میں آگئے ہیں — میں اس معاملہ میں اپنی ایک ادنیٰ رائے کے مطابق یہ ظاہر کہونگا کہ اس ڈسکشن (discussion) کو کونسل میں زیادہ طول نہ دیا جائے ورنہ بہت بڑا فضیحتہ مچیکا اور بہت سے واقعات ایسے ہونگے جن کا ذکر کرنا نامناسب ہوگا نتیجہ یہ ہوگا کہ جو سیلف گورنمنٹ ہم چاہتے ہیں اور جو مزید حقوق کی ہم خواہش رکھتے ہیں ان کے حصول میں خلل پویگا اور ہمارے دوست جو اس طرف بیٹھے ہوئے ہیں وہ یہ کہہ دینگے کہ یہ سب ناقابل ہیں اور ان کو ناقابلیت بورڈ کے انتظام سے ظاہر ہے لہذا مزید حقوق دینے کی کوئی ضرورت نہیں ہے اس وجہ سے میں آپکا اور زیادہ وقت نہ لیکم اتنا کہونگا کہ رائے بہادر بانو بہاری لال صاحب موجودہ چیئرمین ہیں اور ہمارے دوست بانو بکرم جیت سنگھ صاحب میونسپل بورڈ کے چیئرمین ہیں اور انہیں یہ اندیشہ ہے کہ شاید یہ وبا وہاں بھی پہنچ جائے ابھی تک تو ڈسٹرکٹ بورڈ ہی کا معاملہ ہے — میں چیئرمین (chairman) رہ چکا ہوں اور اس سال میں نے کوشش نہیں کی اس لیے ان صاحبان کے مقابلہ میں سب سے زیادہ آزان رائے میری ہوسکتی ہے چونکہ نہ مجھے کو کوئی نقصان پہنچا ہے اور نہ پہنچ سکتا ہے ہمارے منسٹر صاحب ایک معادل مزاج طبیعت کے ہیں جو رائے آپنے دی ہے کہ اس ڈسکشن (discussion) یہاں نہ ہو بلکہ ایک کمیٹی آپ نے بنانا تجویز کیا ہے کہ وہاں پر ان معاملات کا مباحثہ ہو جائے اور آپ کو معلوم ہو چکا ہے کہ کچھ ایسے بھی واقعات ہیں کہ جن کی وجہ سے انتظامی معاملات میں چیئرمینوں کو مشکلات پیش آتی ہیں لہذا یہ مباحثہ وہاں ہو اور میں متحرک صاحب کہونگا کہ اس کا فیصلہ یہاں نہ کرائیئے بلکہ زیادہ سے زیادہ یہ ہو کہ متحرک صاحب کو کمیٹی کا میمبر بنا دیا جائے اور ایسے میمبر صاحبان کو جو اس کا آپوزیشن (opposition) کرتے ہیں ان کو بھی میمبر بنا دیا جائے ایسی کمیٹی ہو جو قابل اطمینان ہو اور جس میں دونوں فریق کا اطمینان ہو اس لیے میں آپ صاحبان سے درخواست کہونگا کہ اس معاملہ کو زیادہ نہ اٹھائیئے بلکہ منسٹر صاحب کی رائے کو مان لیجیئے جب آپ کو اطمینان نہ ہو تو پھر آئندہ یہ ریڈرلیشن یہاں آسکتا ہے \*

**Rai Bahadur Babu Mohan Lal :** Rai Bahadur Babu Vikramajit Singh has said in his speech that he has the experience of being a chairman and therefore his opinion will carry weight. I stand up to inform the House that I have been chairman of a district board and I am still the chairman of the Hardoi municipal board. I have experience of both.

the boards and I think it will not be improper on my part to say that this rule is not being worked satisfactorily. I am glad to support this resolution as it is very innocent. It does not take away the entire power of the chairman, but it makes a reservation that if any person is dissatisfied with the orders of the chairman, he may be given a right of appeal to the board. I think Government departments are efficiently managed, but still the right of appeal has been given even to a chaprasi. Why should not these poor employees of local bodies have a right of appeal to the board in case they are dissatisfied with the orders of the chairman. I need not tell the House in what way this rule is being abused, in what way undue advantage is being taken of it by the chairman, but I must say that the rule has not been considered from a legal point of view. The District Boards Act gives the entire power to the board. I do not know in what way this section has been construed by the Hon'ble Minister as to take away this power from the board and vest it in the chairman. There is no section in the Act which empowers the Hon'ble Minister to give this additional power to the chairman. Under section 82 this power is given to the board and the section under which this rule has been framed does not empower the Government to take away this power from the board. I think the rule is *ultra vires* and should not stand. No honourable member has tried to show by reading the section or by quoting the law on the subject that the rule is a legal one. It is altogether *ultra vires* and should not find a place in the rules.

Then, Sir, it offends against the principles of local self-government. It has taken away by force the power which was given to the boards. Why should the Government take away this power by force? Why should not this power be left in the hands of the boards to be exercised in the best way possible. If the board is satisfied that it has got a capable chairman and that the chairman will not abuse that power, the board has ample authority to delegate it to the chairman. There is a section authorizing the board to delegate its powers. Then there is this benefit that the authority delegating the power has always a control over the person to whom the delegation is made. It can take away that power any moment when it sees that it is being abused. But if this power is delegated to the chairman by the Government, the board is deprived of all control. I do not say that the chairman should not have this power. What I say is that it should be delegated by the board and not by the Government. That goes to the root of the whole thing. With one hand the Government has given this power and with another it has taken it away from the board. This inconsistent position should be remedied and the power should remain vested in the board. If the board thinks it proper, it may delegate it to the chairman. When there is a right of appeal to the board from the orders of the chairman, it will be a sort of check on the abuse of that power by him. Rai Bahadur Babu Vikramajit Singh has suggested that the administration of the board cannot go on unless this power is vested in one man. The chairman may have the power of appointment, dismissal or any other punishment in the case of the servants of the board, but what this resolution recommends is that if any servant is dissatisfied with the orders of the chairman, he should have a right of appeal to the board. The board may either confirm the chairman's decision or reverse it or

[Rai Bahadur Babu Mohan Lal.]

modify it. The largest number of district board employees is that of the teachers. What fault have these poor teachers done that they are being deprived of this right of appeal to the board? On account of these rules misuse is being made of this power and now it is high time that the Government should see that this power should not remain to be used arbitrarily by the chairman of the boards. Therefore, as has been suggested by the Hon'ble Minister, a committee should be formed to consider in what way this rule should be modified and that on this committee representatives of both shades of opinion be put and if the honourable mover agrees to withdraw his resolution and to accept the appointment of a committee, I think both parties would be satisfied.

**Mr. A. H. Mackenzie :** I wish to say a few words as regards the legal aspect of the matter. Before this so-called rule was issued, Government consulted the Legal Remembrancer and his opinion was definite that Government could make a regulation delegating these powers to the chairman of the board under section 173(2) of the Act. After the regulation was made objection was taken to it on purely technical grounds, objection was taken to the wording and a corrigendum was issued making a small verbal correction. There is no doubt that there is no legal objection to the rule as it now stands.

**Pandit Govind Ballabh Pant :** I had not suspected that this resolution would reveal such a sharp difference of opinion between the non-official members of this House and that is the sole reason why I have stood up in order to explain the few points which I think are germane to this discussion and need mention here, especially in consequence of the remarks made by the honourable member for the United Provinces Chamber of Commerce. That has been a hard nut to crack and we have never been able to agree over it. I am glad to see that chairmen get disillusioned when they get out of the saddle and I hope Rai Bahadur Lala Bihari Lal and Rai Bahadur Babu Vikramajit Singh will regain their wisdom, if not their sanity, when they get out of the saddle, just as my friends Balu Bhagwat Narayan Bhargava and Rai Bahadur Babu Mohan Lal have done. In the meantime, if their judgment is a bit biased that is not unnatural. There is a spirit of trade unionism even in honorary offices and we see the chairman of the district board entering into an alliance with the chairman of the municipal board as such. Still nobody has considered it necessary to introduce an amending Bill with a view to provide provisions in the district boards in all respects in conformity with that of the municipal boards. I trust, however, that with the absolute sense of security Rai Bahadur Lala Bihari Lal will show the generosity and magnanimity of introducing a Bill empowering the boards to pass votes of censure on their Chairmen so as to enable the district boards to get rid of the less competent fraternity of chairmen. Now coming to the resolution I find that the issues have been unnecessarily confused. Nobody has suggested that these powers should perforce be exercised by the district boards and that no individual as such should be empowered to make use of them. The simple question is whether every district board, irrespective of its capacity, of its willingness, of its regard for the environment and the circumstances in which he is placed and irrespective of the ignorance or the educational eminence of its chairman, should be compelled to divest itself

of this power which is naturally inherent in the board, or whether the board would be allowed to exercise the discretion of delegating such powers to such individuals or committees as it thinks proper. That is the simple issue. Nobody has said that the board alone should exercise the powers. The question is very simple, and I hope the honourable members, even those whose enthusiasm for self-government is obsessing their vision every minute, will accept that there may be boards in which the chairmen are not educational experts. It must be admitted that the election of chairman is not influenced—is not invariably influenced—by educational considerations. It cannot be denied that sometimes it is through manoeuvring and through intrigue that people secure the position of chairman, not because they have special interest in matters educational, but because they want to enjoy the dignity, the prerogative and the privilege of being regarded as a chairman of the district board. I do not say that they are not competent. They may be competent in so many ways—perhaps some of them can supervise the roads very well, others can look after the stallions which the district boards are establishing; a third class may know how to improve agriculture by better methods of ploughing. But the question is this, whether every chairman of every board is competent enough to deal with matters educational. Whether you want to arouse enthusiasm in the members of the board for the extension and improvement of education, and whether the best method of doing so lies in depriving every member of the board from exercising any effective power in the administration of matters educational and whether you consider it is in the best interests of education when neither the chairman of the education committee nor the collective opinion of the members of the board can enable them to get rid of an incompetent teacher on the staff? I think it must be obvious that the boards are entitled to exercise this discretion. It cannot be denied that educational affairs as such are vested in the board. When they are responsible they must exercise the powers. It is for them to make the selection, it is for them to determine the agency through which the details should be administered. I think the department would have been very well advised in suggesting it to the board that it would be better for them not to interfere with details and to delegate the power to some individual or to a small committee which has to deal with matters educational. I would have no quarrel with such a suggestion emanating from the Educational department. But the question is this, whether the Educational department has been well advised in forcing every board to part with such a power and in investing every chairman of every board with the absolute, arbitrary, uncontrolled power of dismissal, appointment, etc., of teachers of every grade, irrespective of the status he may hold, irrespective of the grade into which he may have been promoted, irrespective of the period of his service in any particular board. That I think is the issue. My friend Rai Bahadur Babu Vikramajit Singh has pressed into service all the high doctrines of dictatorship and has even cited the precedent of the congress having once thought of appointing a certain great man as a dictator. But I am sure he will not admit that a dictator can always be entrusted with absolute power. I do not know what he thinks of a resolution tabled for tomorrow where a certain action taken by the head of the executive in these provinces is going to be questioned in the matter of appointment or promotion of a particular



[Pandit Govind Ballabh Pant.]

member of the Educational department by an irony of fate. Whether he thinks that it will be improper for this House to have any say in this matter, and that in order to prove our fitness and competence for self-government we must give absolute power to the head of the department to deal with such matters as he likes or whether—

**Rai Bahadur Babu Vikramajit Singh:** The honourable member need not anticipate me.

**Pandit Govind Ballabh Pant:** I am not anticipating his decision, but I am curious about it, and I should like to see tomorrow whether he will be consistent and follow this method. If he does, I will be immensely sorry, and I hope he will not. But if he has the same view and angle of vision as I have, then I think he will admit that there are certain limitations to the powers which can be handled even by the executive, however, important he may be. And, I hope, he will admit that there may be a similar case in which a member of the poor class of teachers in the district boards may be dealt with in the same way by the chairman and may not find any remedy anywhere. Do these rules leave any loophole anywhere, do they make provision even for such hard cases—cases whose hardship may be obvious on the very surface? If not, is it not proper that the board should be empowered to use their power in such a manner as may conduce to justice and to greater efficiency in matters educational? I have myself had honour to working as chairman of the education committee of a district board for years and years, and I can say that it would have been impossible for me to be connected with that committee which had to deal with matters educational if the chairman had the sole power of dealing with the teachers, for after all why should the teachers care for the instructions or the orders proceeding from those persons who cannot touch them? It is very obvious and nobody can doubt that if I had no authority whatsoever I could not exercise responsibility. Power and responsibility should go together, and it is exactly here that we differ from one another. Rai Bahadur Babu Vikramajit Singh seems to think that when a district board has elected its chairman it should wash its hands and make the chairman an autocrat. If the District Boards Act is so amended as to give respite to the members for three years in succession, and the board is formed only with a view to elect a chairman and then run away from the task, there will be no trouble perhaps. The Act does not, however, and wisely does not permit of such a procedure. So I submit that the members will please bear in mind the simple issue that they have to face, and it is this, whether it is or is not necessary, specially with the programme we have before us for extension of education in the rural areas, that the members should feel interested in the development and growth of education that they should be brought in close contact with the staff; that they should feel a direct interest in the provision of a satisfactory staff through whom educational proficiency and educational competence for every single pupil is to be attained. If they think that it is necessary that the members should feel interested in education, if they think that there should not be friction or a deadlock in the board—for necessarily if the members are dissatisfied with the activities of the chairman in the matter of the appointment, dismissal, suspension, etc., of the teachers and have no legitimate outlet, what will

it lead to? They may not always succeed in getting the chairman out, but at the same time, they may not vote money for purposes educational. They may, in other words prevent and retard the growth of education, and there may be so much bitterness and friction which would be far more harmful and pernicious than the little time wasted otherwise. I have not yet heard a word from any member as to the havoc that was being wrought before this rule was introduced. Was the district board in every district so helpless in these matters that days and days and weeks and weeks were being wasted over the discussion of questions relating to the appointment, etc., of teachers. Nobody has told us that such a state of things prevailed at any time. nobody has told us that efficiency has been raised and that the standard has gone up; nobody has told us that the boards are working more smoothly than they did ever before. If they did not, I think that we should take it for granted that the rules under which the educational affairs we administered before the new rules were introduced were sound enough and that we should go back. The honourable member for the Upper India Chamber of Commerce . . . .

**Rai Bahadur Babu Vikramajit Singh :** The United Provinces Chamber.

**Pandit Govind Ballabh Pant :** Yes, the honourable member for the United Provinces Chamber of Commerce—says that he has never heard any complaint about it. I am really surprised, for even the honourable minister has said that this question has raised an amount of feeling. Perhaps it is just due to that habit which has not enabled him to look at the two aspects of the question, that he under the shield of apathy, has not been able to find out what the real state of feeling is. I hope that the House will look at the question from a rational view-point and will, out of regard for efficiency and for the growth and extension of education in the boards, accept the proposal which has been moved by my friend Lala Nemi Sarau. I am prepared to accept the suggestion made by the Hon'ble Minister for Education that as he is going to appoint a committee, this question should not be put to the vote, and if he is prepared to accept a small amendment to the resolution I would not press the resolution in this form. If you will permit me, Sir, I would say that instead of the words "so amend" in the resolution the words "consider the advisability of so amending" be used.

**The Hon'ble the President :** Is there any objection to the amendment being moved?

There being no objection, the honourable member was allowed to proceed.

**Pandit Govind Ballabh Pant :** As there is no objection from any quarter I do not dwell on the merits of my amendment. I hope everybody will see that under the amended resolution the department is not committed finally to the view originally laid down in the resolution; at the same time we are making sure that the honourable minister will adopt the course that he has suggested and will see to it that he will put in not only members like my friend Rai Bahadur Babu Vikramajit Singh, but also others who happen to differ from him today.

**Lala Nemi Saran :** This question has been discussed threadbare by many eminent speakers. One thing I have got to say and that is this. I was really struck by the modesty of the Education department, specially of the Minister in charge of the department, and as the honourable the Director of Public Instruction said the department is modest. At the same time I was struck by the self-complacency of the honourable chairman from Allahabad. At least I can say this much, that there are different points of view regarding this rule and perhaps while Rai Bahadur Bihari Lal Sahib is one who is in favour of this rule there is a great majority of opinion which is against it. That has got to be decided by the committee which the honourable minister said he would appoint and in that hope I believe the honourable minister will accept the amended resolution as it now stands.

**The Hon'ble Rai Rajeshwar Bali :** I accept the amendment.

*The amendment that for the words "so amend" the words "consider the advisability of so amending" be substituted, was put and adopted.*

*The resolution, as amended, was then put and adopted.*

#### RESULT OF ELECTIONS TO RAILWAY ADVISORY COMMITTEES.

(Supra p. 83—84.)

**The Hon'ble the President :** The results of the election to the various committees are as follows :—

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#### RESOLUTION re FEMALE WARDS IN PUBLIC HOSPITALS.

**Raja Raghuraj Singh :**

جناب پریسڈنٹ صاحب —

جو ریزولوشن میں مور (move) کرنا چاہتا ہوں وہ حسب ذیل ہے—

"That this Council recommends to the Government that in public hospitals and dispensaries separate wards for Indian females be constructed where they do not exist in these provinces."

جناب والا — اس کی بابت مجھے کریمہ عرض کرنا ہے کہ عام طور سے دیہاتوں اور قصبوں میں زنانہ اسپتال بہت کم ہوتے ہیں جس کی وجہ سے پردہ نشین عورتیں جو کہ غریب ہیں ان کو سخت تکلیف اور پریشانی ہوتی ہے خاص کر بچہ

پیدا ہوتے وقت اور بہت سی عورتیں ضایع ہو جاتی ہیں اول تو جو دیہات میں دائیاں ہوتی ہیں وہ نہایت جاہل اور نا سمجھ ہوتی ہیں اور اُن کی کم سمجھی کی وجہ سے عورتیں مر جاتی ہیں اگر کوئی زنانہ اسپتال دیہات میں ہوتا تو بہت سی عورتیں اِس سے جان بچا لیتی۔ بہت سی عورتیں جو پرندہ نشین ہیں وہ ایسے وقت میں چائے مگر مرد ڈاکٹر کو ہرگز دکھانا پسند نہیں کرتیں سمجھ کو شک ہی کہ شاید میرے ریزولیشن کی مخالفت میں یہ عذر پیش کیا جائیگا کہ ڈسٹرکٹ بورڈ یا گورنمنٹ میں ایسی بچت نہیں ہے کہ اِس قدر خرچ کر کے زنانہ اسپتال قائم کرادیں اِس کے باعث میرا یہ کہنا ہے کہ ڈسٹرکٹ بورڈ یا گورنمنٹ اس کی طرف خاص خیال کر کے خاص بچت نکال کر زنانہ اسپتال قائم کرے اِس کے ساتھ ہی میں یہ بھی کہوں گا کہ جو دائیاں دیہات میں ہوتی ہیں وہ محروم نہ کی جاویں بلکہ کوئی قاعدہ بنا دیا جاوے جس سے وہ اپنی معاش سے محروم نہ کر دی جاویں بلکہ مناسب ہوگا کہ ایسی دائیاں جو دیہات میں ہوں ان کو اسپتال میں بلا کر ضروری باتیں سکھا دی جاویں - جس سے وہ لوگ بھی ہوشیار ہو کر دیہات میں کام کیا کریں - اِس کے علاوہ اُن لیدی ڈاکٹروں کو خاص ہدایت ہو کہ وہ ایسی غریب دیہاتی عورتوں سے جو فیس دینے کے لائق نہ ہوں فیس نہ لیا کریں - چونکہ دائیاں اسپتال میں کام کرنے میں خوف کھاتی ہیں لہذا اُن کو سمجھا کر اور بہت آسانی سے کام سکھلا دینا چاہیئے یا وہ لیدی ڈاکٹر دیہات میں جا کر اور گشت کر کے اُن دائیوں کو بہت ملایم الفاظ میں ذہن نشین کرادیں کہ تمہارے ساتھ کوئی پابندی ایسی نہ کرائی جائیگی جس سے تم کو خوف پیدا ہو اور سمجھانے بوجھانے میں زمیندار اور معتبر کاشتکار جو سن رسیدہ ہوں اور پٹواری وغیرہ سے امداد لی جاوے بلکہ سابق کے انتظام میں اُن لیدی ڈاکٹروں کو کوئی سواری کا خرچ دیا جاوے تاکہ اُن کو خرچہ کی بات عذر نہ ہو اور اُن لیدی ڈاکٹروں کے ہوتاؤ کا جو میمبر کونسل اُس ضلع کا ہو وہ نگہان رہے کہ یہ لوگ یعنی لیدی ڈاکٹر ان کسی کے ساتھ سختی اور بے مروتی تو نہیں کرتی ہیں کیونکہ ایسا کبھی کبھی سنا جاتا ہے - سمجھ کو امید ہے کہ ہماری درخواست کو عام پبلک کا فائدہ سمجھ کر مہرے آپریٹل دوست و سرکاری عہدہ دار ضرور خیال کر کے اس ریزولیشن کو قائم کرا دیں گے میں انگریزی نہیں جانتا ہوں لہذا اگر کوئی صاحب آرزو میں اس کا جواب دینگے تو میں کچھ مزید عرض کر سکتا \*۔

**Shaikh Abdullah :** I am sorry that I could not hear a single word of the honourable member who has moved the resolution. I support, however, the resolution as it stands. I think that if this Council succeeds in persuading the Government and the local bodies to make provision in hospitals and dispensaries for separate wards for females it will have done the most meritorious act of the session. We know that the needs of our females for medical aid are far greater than those of men and yet no facilities are given to our females in most of the hospitals and dispensaries. The modern ingenuity of man has invented hundreds of appliances for relieving the physical sufferings of people, but our women are deprived of those facilities. It is a well-known fact that thousands

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[Shaikh Abdullah.]

of mothers succumb to the pangs of child-birth and die of maladies that follow. But for want of proper medical aid and for want of healthy environments, they would not have succumbed to the pangs of child-birth and allied diseases. It is not possible in India to have separate hospitals and dispensaries for women because of our poverty. If, however, we have separate wards for females all over the province, I think this will be a great relief to not less than half of the population of the province. With these few words, I whole-heartedly support the resolution moved by Raja Raghuraj Singh.

*At this stage the Council adjourned for lunch.*

*After the recess—*

**The Hon'ble Rai Rajeshwar Bali :** In reply to the resolution moved by my honourable friend the Raja Sahib of Mankapur, I have to urge two points. The first is this. I wish to express my hearty sympathy with the object of the resolution. Nothing is better than to be able to provide as extensive facilities as possible for the treatment of women. But there are difficulties in accepting the resolution as it has been moved. There are two difficulties in this matter. In the first place except for four hospitals, all hospitals and dispensaries in the province are under the control of local bodies and therefore the question whether every hospital should have a female ward or whether there should be female hospitals separately or whether *dais* should be provided in rural areas, should be determined by local bodies. It is not for the Government to determine.

Secondly, there is the question of funds ; there are a very large number of hospitals and dispensaries in the province, and I do not think that the honourable mover wishes that each dispensary should have a separate ward for the female patients, and that in doing so he includes in the list dispensaries that exist in the rural areas.

(Here the honourable mover asked that the reply may be given in Urdu. The Hon'ble the President said that a summary of the reply in Urdu would be given later on for the information of the Raja Sahib.)

**The Hon'ble Rai Rajeshwar Bali :** As the honourable member of this House is aware, we have got a scheme for the establishment of these dispensaries in rural areas, and if we make it a condition that every dispensary should have a female ward attached to it, the cost will be increased considerably. I therefore think that it would be much better if we leave it to local bodies to decide whether they are going to have separate wards in these dispensaries or whether it would serve the purpose better if they attached *dais* to each dispensary. At any rate there are 3 or 4 hospitals in the province for which the Government is responsible. Secondly, I wanted to place before the House the facilities for the treatment of female patients that already exist. With the exception of five places, Jhansi, Roorkee, Mussoorie, Garhwal and Almora, there are women's hospitals at the headquarters of each district ; at the same time there are 13 districts in which there are separate female wards in the *sadr* hospitals also. Therefore, so far as the *sadr* hospitals are concerned, the question hardly arises. We have to consider only the case of rural dispensaries. We have been doing our best, and we propose to do our best to provide funds for the training of more *dais*, and if

the local bodies are willing to co-operate, then it would not be difficult to provide a large number of such *dais* in those rural dispensaries. Therefore, subject to our financial limitations, I entirely agree with the object of the resolution, but at the same time I would point out that the manner in which this should be attained should rest with the local authorities rather than with the Government.

**Raja Raghuraj Singh :**

جذاب صدر — اسپتالوں کا حال یہ ہے کہ ضلعوں میں جو زنانہ اسپتال ہیں وہ دیہات سے بیس بیس پنچیس پنچیس اور تیس تیس کوس پر ہیں ایسی حالت میں عورتیں وہاں پر نہیں جاسکتیں یہ تو مجھے پہلے ہی سے شک تھا کہ اس کے لیئے دسترکٹ برقع کو کہہ دیا جائیگا اور گورنمنٹ کہہ دیگی کہ ہمارے پاس روپیہ نہیں ہے۔ گورنمنٹ تو ہماری بادشاہ ہی وہ گدا نہیں ہے جس کام کو گورنمنٹ کرنا چاہتی ہے اُس کو کسی نہ کسی طرح سے کرا دیتی ہے یا کہہ دیتی ہے گو ایک گستاخی ہوتی ہے مگر میں عرض کروں گا کہ گورنمنٹ بہت سے کام چندہ جمع کر کے اور اپنا اثر ڈال کر کرا دیتی ہے۔ اس کارخیر میں اگر گورنمنٹ کو ضرورت ہو تو ہم لوگوں سے جو مالدار سمجھے جاتے ہیں اُن سے چندہ لے لیا جائے تو کوئی سختی نہ ہوگی لیکن گورنمنٹ ایسی محتاج نہیں ہے کہ اس کارخیر کے لیئے چندہ جمع کرے یہ میڈا منشا نہیں ہے کہ کروڑوں روپیہ لگا کر ایک اسپتال قائم کیا جائے بلکہ میڈا منشا یہ ہے کہ ایسا طریقہ اختیار کیا جائے کہ جس سے غریب عورتوں کی دوا کا انتظام ہو سکے اور بچے جنہے وقت اُن کو امداد مل سکے۔ موجودہ حالت میں لوگ عورتوں کو اسپتال میں نہیں لے جاسکتے اُن وجوہات سے حالانکہ کچھ تھوڑی سی گستاخی ہوتی ہے لیکن میں یہ عرض کروں گا کہ منسٹر صاحب کے جواب سے میری تسکین نہیں ہوتی اور ہمارے اعلیٰ افسر تو جو چاہینگے کر لینگے میرے کہنے سے ہوتا ہی کیا ہے \*

**The Hon'ble the President :**

تو یہ ریزولوشن دوت پر رکھا جائے ؟

**Raja Raghuraj Singh :**

جی ہاں دوت پر رکھا جائے \*

*The resolution was put and adopted.*

## RESOLUTION *re* PROHIBITION.

**Hafiz Muhammad Ibrahim :** I beg to move the following resolution :—

"That this Council recommends to the Government to speedily bring about the total prohibition of liquor and adopt local option and other measures necessary for the purpose."

I think this resolution is of great importance not only to this province, but to the whole of India. There cannot be two opinions on the point that moral reform is a condition precedent to all progress. If drink is immoral, I can emphatically assert that our battle against drinking must precede all our efforts directed towards the betterment



[Hafiz Muhammad Ibrahim.]

of our country. It is a pity that up to this time we have not paid as much attention to this question as we ought to have done. Sir, it is not a new question that I am proposing in this House. During the term of the last Council the same question was brought up by my friend Mr. Mukandi Lal. I will draw the attention of this House to the words in which that resolution was moved. Those words were:—

“That this Council recommends to the Government to accept and declare that total abstinence is the aim and object of excise policy and to give effect immediately to the proposals of the Excise Conference with a view to achieve this end and to adopt measures, including local option and rationing and registration, for the speedy attainment of the said object.”

During the discussion on the floor of this House this proposition was divided into two parts, the first part relating to the declaration of the policy of the Government was agreed to by the House, but the latter portion relating to the adoption of immediately necessary measures was negatived. Now, Sir, I shall bring to the notice of this House whether that resolution is identical with mine or it differs somewhat from the resolution of which I have given notice. If you compare the words of that resolution with the words of my resolution you will find that I have put in the word “prohibition” for the word “abstinence” that appeared in the previous resolution. Another difference which I would like to point out is that the previous resolution demanded a declaration of the policy from the Government, while my resolution does not make any such demand. There is still another difference, and it will be found in the latter portion of the resolution. The previous resolution had the words “to give effect immediately to the proposals of the Excise Conference,” and in my resolution you will find the words “adopt local option and other necessary measures for the purpose.” My resolution presupposes, the adoption of the total prohibition policy by the Government, and I have reason to presuppose this. That reason consists in the fact that the previous discussion on the subject, if read by any one, will disclose that when this question of the declaration of the policy was discussed, there was none in that House who opposed the resolution. Even the Government members, I mean Lieutenant Nawab Muhammad Ahmad S’id Khan, who had charge as Minister of that department at that time, was ready to accept that resolution in the form—

“That this Council recommends to the Government that total abstinence is the aim and object of the excise policy and to give effect as far as possible, etc.”

He differed only as to the latter portion, the second part of that resolution; but as far as the first part was concerned, he was quite in agreement and he had made an announcement during the course of that discussion that that had been the policy of the Government.

Sir, previous to that time the excise policy of our Government had been “maximum revenue with minimum consumption.” When this cry for the total abolition or prohibition was raised, the Government chose to give up using that phrase and began to say that they had in view the furtherance of temperance in order to achieve total prohibition.

But, Sir, experience has shown what the Government has done hitherto in this respect. They did not like to give effect immediately to the proposals of the Excise Conference. Had it not been so, I think the Government would not have hesitated for a moment at that time to accept also the latter part of the resolution of my honourable friend Mr Mukandi Lal. The main argument advanced against that portion was that there had intervened a very short time between the publication of the report of the Excise Conference and the time when that resolution was put in by Mr. Mukandi Lal and that the members concerned, the officials concerned, had not enough time to consider the recommendations of the Excise Conference. Other members of the House supported this contention, and it was simply and merely on this ground that the latter part of the resolution was considered premature and it was negatived. Sir, I submit that no such argument can be put forward now as to the resolution that I have brought today before this House. Sufficient time, rather more than sufficient time, I must say, has elapsed since then. Government officials have had enough time to consider over the matter and to form their opinion and to prepare themselves for the action which they might be ready to take. In spite of the fact that at that time the shortness of time was the only plea that was put forward, we find that we are still at the same spot where we had been in 1924. I assert that so far as the policy is concerned, there has not been any change till now. It may be possible and you may be able to show that, according to statistics, facts and figures subsequent to that time, there has been some change, some improvement in the matter, but so far as the principle is concerned, we are just at the same place where we stood at that time. Now what we have before us? Simply the furtherance of temperance towards the achievement of some goal. Now, Sir, I find no difference practically between that policy and this policy. If it is accepted that total prohibition is a desirable thing, it is necessary in the vital interests of the country to prohibit the use of liquors. Why should we make any delay? Where is the justification for delay in the matter? I shall later on consider what arguments can be put forward for the delay and for not agreeing to adopt speedy and immediate measures.

Before proceeding further I beg to bring to your notice one thing which I consider is an admitted fact. I think there is none in this House who disagrees with me on that point. That point is that drinking is a vice; all religions forbid it. Muhammadanism and Hinduism consider even one drop of liquor a pollution. They have forbidden it totally to their followers. What the temperance societies have been doing so long towards the eradication of this evil leads us to think that Christianity too is opposed to it. Without speaking any further as to the religious aspect of this question and without quoting any particular passages from the holy books, I think that I can emphatically assert in this House that total prohibition is in keeping with the sentiment of the Indian people. Gentlemen within this Council and outside it all are for total prohibition. Every one wishes keenly that this evil should be removed as soon as possible. Besides this, it is not only on religious grounds that the use of wines and liquors can be impeached. If you will take into consideration what has been said by eminent authorities about liquors, you will find that lunacy has been attributed to the extent of 50 per cent. to this evil habit. Those who are addicted

[Hafiz Muhammad Ibrahim.]

to it, who are accustomed to its use, are most liable to fall a prey to the disease of lunacy. Moreover, there have been many suicides which have been caused simply by the use of liquors and wines. If this be the state of affairs, if our religions forbid it, if it injures humanity and when the sentiment of our country is against it, I see no reason why the Government should tolerate the existence and the continuance of this wretched habit.

Let me say a few words as to why I ask for Government action in the matter. We know, everybody outside this Council knows, our country knows, that liquors are forbidden to us by our religion. Moralists, saints, people with a religious turn of mind and temperance societies have been carrying on a vigorous propaganda against it. It may be asked then, where is the need and justification for legal interference in the matter? As to this point, Sir, I beg to bring through you to the notice of this learned House the comparative values of religious, moral and legal remedies, how far the religions succeed in prohibiting, in preventing or restraining men from going astray, how far morality succeeds in this purpose, and how far law can go in this matter. Our experience of life shows that the fear of immediate punishment is the only thing which has got the greatest power, the greatest potentiality in preventing men from going astray. Religion and morality have no comparison with law in this matter. They have got centuries behind them, but still the evil has not abated. The fear of punishment in the next world is not such a powerful deterrent as the fear of immediate punishment. That is why we want that there should be statutory prohibition against liquors. Without this we cannot succeed in our goal, and that is why I have brought this motion that legal steps should be taken for the total abolition of the use of liquors.

Another thing which I must bring to your notice is that as far as my knowledge goes, the strongest possible objection to the adoption of total prohibition is that of loss of revenue, though it has been said before this that revenue does not enter into the consideration of our Government as far as the excise policy is concerned, but, Sir, their action shows and the continuance of the evil up to this time points out that the point of revenue is considered. If we lose any revenue by totally prohibiting the use of liquors, what is the harm? We can find out other sources of income, and supposing we cannot find out any other source, even then I think that the existence of this evil and the continuance of the use of liquors are not justified. It is admitted that it is a vice, and a vice cannot be justified by the fact that we are forced to sanction that habit because we want money. Sir, if a culprit—take for example a thief—comes before a court of justice and puts forward his excuse for the commission of that crime that it is on account of his poverty that he committed it, will it be consonant with reason and with justice that he should be let off because he committed that crime on account of his poverty? You may take as many examples of this kind as you like and you will find that this policy of justifying the continuance of any crime, of any bad thing on the ground of revenue cannot but be a most immoral thing. That country cannot claim to be moralized or advanced or civilized which considers only its income in dealing with such practices.

Another thing, Sir, which may be advanced against this proposition is that, though religious Hindus and Muhammadans are united as far as this question of prohibition is concerned, yet there are some minorities in this country which consider it or want it on account of their customs. And there are some who want it as a requirement of their religious ceremonies at the time when they perform certain rites. If there are any such men they must be in a very small minority, and if our Government adopts this total prohibition as its policy and tries to remove this trouble, it is quite possible to make certain convenient arrangements for such minorities. Total prohibition does not mean that this liquor will be rooted out of the world. What we mean by total prohibition is that we will protect our country from its use by restricting its manufacture, by restricting its sale, by restricting its use by the public. The best method we can adopt for the promulgation of total prohibition is, I think, local option. I have refrained from suggesting any list of means. I have not mentioned other means which surely do exist, and some of which were touched upon by Mr. Mukandi Lal when he moved his resolution on this subject. But as far as local option is concerned it is a convenience. It will enable us to find out very easily how our country likes or dislikes it. If the local bodies are given powers to make convenient arrangements for prohibition and the scheme is tried in this way, I think we will be greatly helped in forming an opinion and determining the question finally. As to the merits of local option, these have already been discussed, and I hope that all honourable members are well aware of its merits. Those who have read the proceedings of the last discussion on the point know that there was not a single voice raised against local option, and I think it is needless for me to enter into any greater discussion on this question. In short, Sir, considering the evil and the sentiments of our country, I move this resolution, and I hope that this House will unanimously support it. With these few words I move my resolution.

**Dr. Shafa'at Ahmad Khan:** I should like to amend the amendment which is not properly worded. I move that for the words "to speedily bring about prohibition of liquor and adopt local option and" substitute the words "to bring about total abstinence from liquor as speedily as possible and circulate for public opinion a Bill embodying the principle of local option and to take". The amended resolution will then read "That this Council recommends to the Government to bring about total abstinence from liquor as speedily as possible and circulate for public opinion a Bill embodying the principle of local option and to take other measures necessary for the purpose."

Before I begin I must pay a tribute to the speaker who in his eloquent speech has brought out some very well reasoned and cogent arguments for this measure. If the honourable members will compare my amendment with his resolution they will find that the difference is not very substantial, that it is not really a very large difference, and that in any case the effect of the two measures will be practically the same. The honourable member has referred to the policy or lack of policy of Government. I entirely agree with him. In my humble opinion the Government has followed a most vicious policy so far as this question of revenue from excise is concerned. In their resolution of 1905 they formulated the policy that the aim of Government was the maximum of revenue from the minimum of consumption. Sir, to the layman, to a

[Dr. Shafa'at Ahmad Khan.]

person who has to regard the dictates of his religion and is bound to follow his conscience, the words "maximum of revenue" really imply that Government were trying to derive as much profit, as much benefit from this revenue as possible, and Government acknowledge it as such, and the Excise Conference of 1924-25 acknowledged the justice of this criticism. The Excise Conference of 1924-25 admitted that the "general impression prevailed that Government attach as much importance to excise revenue as to the suppression of the consumption of intoxicants." That led to the modification of their policy of 1921. They modified it to the extent that "every endeavour should be made to ensure as large a share of the profits accruing from the sale of excisable articles by methods which are fit and by the most efficient supervision and control." That, Sir, was the second stage of their policy. As regards that second stage, I can only say that it was not an improvement on the original policy. That cannot go, that could not possibly go, to the root of the evil. All the important communities of India, communities which regard the use of liquor as the greatest evil and as the greatest misfortune that could befall their faith looked upon it as a measure that cannot tend, that could not possibly tend, to the alleviation of the evil. Then, Sir, Government convened a conference in 1924 and the policy which was adopted in that conference was the policy which I have embodied in my amendment. They said:—"We consider therefore that Government should restate their aim of excise policy as the promotion of total abstinence." Now, Sir, this in my humble opinion is a sound and a legitimate policy under the present circumstances. In my opinion, Sir, it is not practicable to bring about the total prohibition of liquor at the present time.

**The Hon'ble the President :** Does the honourable member say in the amendment "total abstinence".

**Dr. Shafa'at Ahmad Khan :** I say "total abstinence", Sir. I distinguish between total abstinence and prohibition. In my humble opinion the one will have the same effect as the other. Total abstinence implies every incentive to the individual to reform the evil. It also implies the adoption of all the measures by the State whereby such temptations may be removed. Take for instance the question of the number of excise shops. One thing which the State could do would be to reduce the number of shops in each district. That will come, I believe, within the purview of the word "abstinence". Then, the other thing which the State could do would be to curtail the hours of sale. If the hours of sale are curtailed, it would undoubtedly mean reduction in the consumption of liquor. Besides these two things there is the benefit that will result from the spread of education. I regard education as the most important, as the vital thing in the removal of this evil. Then, the creation of an Excise Board that will look into all the problems connected with this evil, that will formulate a policy that will be carried out throughout the province—that I think will go far towards the avoidance of this evil. So, Sir, I distinguish between the two. My amendment stresses the measures to be adopted by the State for the avoidance of temptations to the individual. But I do not think, Sir, that the time has come for the adoption of prohibition. I am inclined to think that if prohibition is regarded as a practicable step, if the Council passes any law whereby

prohibition is brought within the bounds of possibility, then I am convinced that great harm will result from it. I may refer you, Sir, to the report of the Taxation Inquiry Committee. In that report the committee said that if prohibition is carried into effect, if the consumption of liquor is prohibited within a short time, the revenue of one province would fall by two crores. Another Minister said that his province would have to maintain a standing army. The Committee also reported that of the cost of the preventive staff in America which has largely increased amounted to 13½ crores, while the sentences of imprisonment passed in the same year amounted to 2,781 years. That shows, Sir, the result that will accrue from the adoption of that measure. I must make one point absolutely clear, and it is this. Among the Muslims liquor is absolutely prohibited. I do not think, Sir, that in the present circumstances it can be carried out. And if I have to choose between loss of revenue and the pursuit of the laws of my own religion, of course the loss of revenue must be completely relegated to the background. But in the ordinary practical and day to day administration we cannot ignore revenue. You cannot possibly overlook the factor that without two crores of rupees which are derived at present from excise, without that large sum which comes to between fifteen and twenty per cent. of the total revenue of the whole province, you cannot possibly carry on the administration. In one province alone, I mean in Bihar and Orissa, it is calculated that about forty per cent. of the total revenue is derived from the duties on liquor and other intoxicants. So, Sir, I would recommend this amendment to this House as I think that total abstinence will have the same effect as prohibition.

**Khan Bahadur Mr. Masud-ul-Hasan :** I rise to support the amendment which has been moved by my friend Dr. Shafa'at Ahmad Khan. I will not detain the House with a very long speech. To my mind this resolution should be divided into two parts—one sentimental and the other practical. I do not believe in the sentimental part of the resolution. We are sitting here as members of the Legislature and therefore it is our duty to look more to the practical side than to the sentimental side. I am a Muhammadan, and as such I am liable to follow the tenets of my religion. To my mind this resolution will not make the situation better or worse for my co-religionists. My community is free from this evil and any resolution will not make prohibition more binding than what is ordained by the religion. Therefore I am only concerned with the practical side of the question. The question is whether prohibition should or should not be introduced at this stage, or whether in place of prohibition abstinence only should be adopted. Abstinence is, I think, more practical than prohibition. The honourable mover of this resolution should look to this question from a practical point of view and see what has been done in America. Prohibition, instead of stopping drink, has only induced the people there to take to so many intoxicants. The first part of the resolution only refers to liquor. My friend should see whether, if total prohibition of liquor is introduced in this country, people would stop taking foreign liquor, opium, bhāng and other intoxicants. They will not, and therefore total prohibition will be only in name. The evils will continue; the virtue will not come in, but the resolution will stand in a glorified form. The Government policy, from 1925 at least, has been total abstinence. They have not

[Khan Bahadur Mr. Masud-ul-Hasan.]

slept over that policy, but they have worked up to it. Licensing boards have been introduced in a number of municipalities. I had something to do with one of the boards, as I presided over it for some years, and I may tell the House that the results of the working of the boards were more satisfactory than could be imagined. We reduced the number of liquor shops as well as those of other intoxicants to the minimum that was possible under the Government resolution. Unfortunately, however, the thing which was more needed was not there. What I mean is that there was no extensive propaganda of temperance movement. There were no people who would go to the gutters and to the poorest classes of the drinking classes and impress upon them the importance of temperance. Does the honourable member think that by passing a resolution in this House and by penalizing drinking, the evil will go? I am surprised that a request has been made on behalf of a section of the House represented by the swarajists for a penal law on the subject. I assure the House that the punishment, however deterrent, will not deter a criminal from committing the offence. This problem is more for social reform than for penal law. If we only take up social reform and impress upon the people the desirability of giving up the evil, we can produce better results than by legislation. My submission therefore is—do not have recourse to prohibition, be satisfied with the present policy of the Government, and work up those institutions that have been set up or are likely to be set up under that policy.

One thing I would like to mention with regard to this policy, and the honourable mover should take a note of it, that during the last few years the Government had totally changed the sale system. The people now are not allowed to drink on the premises. Formerly they used to take a glass and drink there and now they have to purchase a bottle. I submit that this is good, because unless a man has sufficient money he cannot indulge in drinking. This is an effective obstacle in the way of free drinking. The other thing is the surcharge system. The prices too have of course gone very high, and in this connexion I agree with the policy of Government, namely, the maximum revenue with the minimum consumption. The revenue from excise is really a sort of fine which is realized from those who have the obnoxious habit of drinking, and therefore if you go on increasing price the not only of liquor but of all other intoxicants, it is quite possible that you may compel people to stop drinking to a very great extent. May I ask how prohibition can be made successful? I cannot foresee success even after a long time. You would require a very large force to enforce prohibition—call it police force or excise force. You will have more criminal litigation. It will no doubt be very good for my own profession, but it would be very bad for those people who will be hauled up. Who is going to spend money over that force? Not only those who drink, but also those who do not. Are you going to penalize the non-drinking classes for creating the prohibition for the drinking classes? To meet extra expenses you must have recourse to fresh taxation and I am sure that it will be a very vexed and ticklish question. Then there is another point:—How are we going to stop smuggling and illicit distillation? You forget that the United Provinces have got a number of neighbouring native states. Have you arranged to have any treaty with these states that they should

also introduce prohibition ? If they can do so, certainly your prohibition can be of some success. Unless they are prepared to introduce prohibition, your prohibition cannot succeed.

Sir, when the question of prohibition recently came up before the Punjab Council, the result of the division was most unfavourable. Why? Not because people there liked drinking, but because they realized that prohibition would be more impracticable than abstinence. Therefore we should proceed gradually and moderately if you really want to bring about the desired effect. Otherwise you will have to follow the footsteps of America. You will have to come from the dry position to the wet position again. That will indeed be very unfortunate.

In the end I will request the honourable mover, if he really wants to bring about the desired effect, to accept the amendment, and with the help of the members of his party after this discussion, he should go into the country and start a vigorous temperance propaganda.

**Pandit Govind Ballabh Pant :** Why should you not start this propaganda yourself ?

**Khan Bahadur Mr. Masud-ul-Hasan :** I am willing to accompany you. I myself have been a member of the Temperance Society and I know that this prohibition will not be more effective than abstinence.

**Thakur Manjit Singh Rathor :** I beg to accord my whole-hearted support to the resolution as moved by Hafiz Muhammad Ibrahim. I am sorry that I cannot see my way to accepting Dr. Shafa'at Khan's amendment, because in my humble opinion his amendment goes against the very root of the principle which this resolution seeks to put before this Council. Times out of number this Council has declared that what we want is that Government should declare that total prohibition is the aim of the excise policy of Government. The feeling in the country towards prohibition is also most unequivocal. The Government have published statements from time to time to show that there has been a decrease in the sale and in the consumption of country liquor. I have already come across certain articles in the papers which also go to show that there is some decrease in the sale of country liquor. My submission is that these figures of the decrease in the consumption and sale of country liquors are misleading, are unreal and are illusory; because the fact of the matter is, as is known to all of us in this House, that while the consumption of country liquor is decreasing, the consumption and sale of foreign liquor is going up by leaps and bounds. So, while we desire that the consumption and sale of country liquor should go down, we also desire at the same time that the consumption and sale of foreign liquor should go down and with the same speed. My submission before this Council with regard to the desirability of considering total prohibition as the goal of the Government is that, unless we make this as our goal, it is impossible to make any great advance towards the desired reform. We are told that it is possible by a persistent propaganda to stop drinking, but I would say that persistent propaganda was continued and was done systematically and continuously for a long time by a sincere band of public workers, but we found that it was unsuccessful. And the reason is not far to seek. What is wanted is a progressive piece of social legislation. What is wanted is sympathy on the part of the Government to help those who are prepared to do persistent and systematic propaganda work in



[Thakur Manjit Singh Rathor.]

favour of temperance. Therefore I beg to submit that it is very desirable and it is very necessary, and it is time now that the Government should come forward and declare that total prohibition is the aim of their excise policy. This Council will remember that last year in the last Council I gave notice of a Bill to incorporate total prohibition as the aim of the excise policy of the Government. But His Excellency the Governor was pleased to disallow this Bill under the powers of special prerogative. This resolution seeks to say that the Government should bring about speedily total prohibition in this province. An honourable gentleman has just now said that we should take lesson from America. He pointed out that in America, which is said to be a dry country, perhaps intemperance was greater than ever. But I would like to tell him that if there is any country on the face of this planet which is dry today it is America. If there are cases of recalcitrants who are going to smuggle liquors, who indulge in liquor, it does not necessarily follow that the entire continent from one shore to another indulges in intemperance. There are thieves in India. There are thieves in other countries. But why does the Government stop thieving? Did ever the Government mean that since there were thieves, there should be no legislation; because there were robberies and burglaries, so there should be no legislation penalizing theft and robbery. Similarly we say that in the domain of temperance there will be smugglers, not poor men but rich men, and they will always like to break this legislation only to indulge in the luxury of the cup. But it does not mean that we should not take a progressive step and a forward step in the right direction. Therefore to say that America is more intemperate than before is a perversion of facts and a misstatement of the real situation. I would point out that certain substantial suggestions were made by the Temperance Conference that was appointed by the Government, and those suggestions and recommendations have not been acted upon by the Government so far. One of those recommendations was with regard to sealed bottle system. My friend from Moradabad said just now that it is not possible to get and purchase liquor in small quantities. That is not a fact; it is only in about 12 districts in the province that we have got the sealed bottle system introduced. In Dehra Dun the licensing boards got a resolution passed that we should have a sealed bottle system introduced and the board was told that no bottles were available. If you look at the Excise Administration Report on page 9 from the end, you will find that the Government says that a sufficient number of sealed bottles were not available, and a sufficient number of bottle-rooms were not available. That shows how much the Government is sympathetic towards the system of sealed bottles. If even sealed bottles are not available, how can we expect Government to be sincere in their declaration of policy of giving sympathy to the movement of temperance. Those gentlemen who say that total abstinence is a better expression and it is more practical than total prohibition are, I think, deceiving themselves, if I am permitted to say so, or they do not understand the whole matter. I was surprised to hear from a gentleman of the erudition and ability of Dr. Shafa'at Ahmad Khan that total prohibition was not practicable. I say if it is not practicable today, it will never be practicable.

**Dr. Shafa'at Ahmad Khan :** On a point of personal explanation. I said "practicable under the present circumstances."

**Thakur Manjit Singh Rathor :** The explanation offered by the doctor does not improve the situation at all. He says total prohibition is not practicable under the present circumstances. The Council can understand, if it is not practicable under the present circumstances, will it ever be practicable in India? Those of us who have been members or the public movement for temperance in this country know that for the last twelve of thirteen years there has been a continuous and persistent agitation in the country, and the Government has been saying time after time that the movement for total prohibition was premature and that the country was not ready for it yet. I would say, if they are not ready to-day, they will never be ready. If we really believe that total prohibition is something desirable, then the vice of drink should be stopped, and we should not wait for the time which I fear will never come. It was pointed out just now by the gentleman from Moradabad that the revenue from excise is not revenue, but a fine. It was indeed a most amusing characterization of the revenue which the Government was getting as a fine. We all have been saying that the revenue which the Government got from a source which was tainted in itself cannot but be tainted, and so long as the Government think that the huge revenue which comes from this tainted quarter is an asset, they are mistaken. I would assure the Council that the revenue from a tainted quarter is not an asset, but a liability, and those who think that the revenues can enrich the coffers of the country and those who think that the Government can continue to be rich by making the people poor or by allowing the people to drink, they are, in my opinion, not taking the right view. Under the circumstances I see no other way except to give my whole-hearted support to the resolution put before the Council, that total prohibition should be their aim, and nothing short of that can satisfy us. We know that our resolution will meet the same fate that it has always met. This question of total prohibition was discussed threadbare during the last Council, and I think the repetition of the whole thing is just like a tale twice told and all those stale arguments and the stale replies will be given. The whole thing has got an appearance of mockery.

We know what the Government are going to say, and the Government know what the members of the opposition are going to say. So the whole position is nothing short of ridiculous and grotesque.

**The Hon'ble the President :** I cannot allow any reflection on the conduct of the Provincial Legislature.

**Thakur Manjit Singh Rathor :** I would like to say that when the time comes when the executive is under the control of Legislature, and, God willing, the time may come soon, the Government will see that a resolution like this which is put before the Council time and again by the elected members of the Council really shows that there is some strong feeling behind that resolution, and if the Government does not take action on this resolution today, a time will come when they will feel that it was much better to have taken action voluntarily. Before I sit down I would like to say to the Government that the Excise department has been the weakest and the most vulnerable point in the armoury of the Government. It is the weakest spot in their armoury, and if they want to convert this

[**Thakur Manjit Singh Rathor.**]

weak point into a strong one, they ought to adopt the policy of total prohibition and give up all pretences of mere expressions of sympathy for the movement of temperance and for abstinence, and they should enact legislation with a view to bring about total prohibition within a reasonable time. I also wish to draw the attention of the Council and of the Government to two or three points to which I referred in my speech in the last Council. One was the question of the periodical closing of shops. This was also a recommendation of the Temperance Conference, and if the Government desire to take some real step in that direction, they ought to see that all excise shops are closed at least once a week, preferably on Sunday or the Sabbath Day.

Secondly, with regard to the introduction of sealed bottle system in all the districts of the province as soon as is possible. We ought to have a system of sealed bottles introduced without delay.

Thirdly, with regard to the meetings of excise boards to which my learned friend Dr. Shafa'at Ahmad referred, the Council will remember that last year the Government were pleased to appoint an Excise Board for the United Provinces. I was also elected a member of that board, but the Council will be amused to learn that not one single meeting took place during the whole year. That only shows the great interest, the over-flowing interest, which Government takes in the matter of temperance, and that shows how far the Government or their apologists are sincere when they say that they are preparing the way for total prohibition.

The other point which I would like to put before the Council, is that the recommendations of the licensing boards should be treated as mandatory in as many cases as possible: that is, the recommendations of the licensing boards should be accepted by the Government and there should be no appeal so far as possible. Only in exceptional cases the Government might reject the recommendations of the licensing boards.

With these few words I beg to accord my whole-hearted support to the original motion and oppose the amendment which has been moved by Dr. Shafa'at Ahmad Khan.

**The Hon'ble Nawab Muhammad Ahmad Sa'id Khan:** If I intervene in the debate at this stage, it is not to put forward the views of the Government about the resolution. The Government policy will be stated by my honourable colleague the Minister in charge of Excise, but I have stood up only to warn the House against taking any hasty step towards total prohibition. I had something to do with the Excise department in the past and my experience in that department has convinced me that total prohibition does not come within the purview of practical politics. I wish to assure the honourable members of the House that we, who are sitting on this side of the House, are as much interested in the reduction of consumption of liquor as my friends sitting over there, but what we want is a real and genuine reduction and not a reduction which might be surreptitiously supplemented by illicit distillation or smuggling. Therefore, if my honourable friends sitting over there find that some of us cannot see eye to eye with them about this resolution, it is not because we are in favour of drink, but because we feel that it would be impracticable. I have said many a time before

in this House and I say again that the policy of the Government has given better results in reducing the consumption of liquor than anything that is proposed in this resolution is likely to give. My honourable friend, either the honourable mover or the member from Dehra Dun, said that the words of Government were always empty words. I submit that during the last few years the consumption has been reduced by 60 per cent. Is it not an irrefutable argument to prove that the policy of the Government has been a great success? I will again mention that the number of shops has been reduced by 42 per cent. Is it not an irrefutable argument to show that the Government is moving in the right direction? Again, I will say that as far as the revenue from excise is concerned per head of population, it is the lowest in the United Provinces. Here are the figures :—

|       |             |                   |
|-------|-------------|-------------------|
| 2-5-0 | per head in | Bombay;           |
| 1-2-4 | ditto       | Madras;           |
| 0-9-0 | ditto       | Punjab;           |
| 0-8-0 | ditto       | Bengal;           |
| 0-4-6 | ditto       | United Provinces. |

This clearly proves that we are moving in the right direction. On various occasions I had the honour of mentioning in this House the success of our policy in the Excise department and I think it is quite enough to prove that, so far as reduction in the consumption of liquor is concerned, our policy has given very good results. Besides, we have got licensing boards and advisory committees. There are 23 licensing boards in big towns and in the rest of the areas there are advisory committees. On all these licensing boards and advisory committees there is a majority of non-official members. This is a clear proof of the fact that our policy in the Excise department is controlled and regulated by the non-official inclinations of the locality.

Now there is one thing that I wish to bring to the notice of this House. Suppose we accept this resolution or it is carried by the Council, what would be the result of it? It would be impossible, first of all, to stop the consumption of liquor totally, because there are so many Native States and liquor can be smuggled very easily from them. Then we shall have to double, rather treble, our excise staff in order to be able to enforce prohibition. We will not only lose our whole revenue under this head but on the other hand we shall have to increase our staff immensely. Perhaps we will have to increase the number of courts to decide all the excise cases, and the result of this will be that the honourable members will have to think of other taxation to adjust the budget. Now as far as the question of other taxation is concerned, I am sure that any proposal for fresh taxation will be very irritating and inconvenient to the public. I doubt if any honourable member here would like to support it, and if he is going to do so I doubt what will be the welcome that will await him when he will go back to his constituency. For these reasons I submit to the honourable members of this House not to support the resolution moved by the honourable member from Bijnor. I am fully aware of the fact that there is some sentiment in favour of the resolution, but the honourable members of this House, who are the representatives of the public, are here to mould and to influence the policy of the Government and since the advent of the Reforms I think nobody can deny that to a very great extent this House can mould the policy of Government, whether it be in the

[The Hon'ble Nawab Muhammad Ahmad Sa'id Khan.]

Reserved or in the Transferred departments. They are not expected to be led away by sentiment and to support a proposal that is not practical or feasible? I think it is below the dignity of the honourable members of this House to give their support to any proposal which is not feasible and therefore I hope that they will oppose this resolution.

**Babu Bhagwati Sahai Bedar.**

جناب صدر —

نواب صاحب ممدوح ”چھتاری“ کی اسپیش سنز کے بعد میرے دل میں شراب کے استعمال کا جذبہ بڑک اُٹھا اور فوراً میرے خیال میں آیا کہ :—

یہ مسائل تصوف! یہ نہرا دیاں چھتاری!

تجھے ہم دلی سمجھتے جو نہ بادۂ خوار ہوتا

بیشتر اس کے کہ میں کچھ عرض کروں میں یہ ظاہر کر دینا چاہتا ہوں کہ میں شاکت صت (शाक्यमत) کا ہوں یعنی اس مذہب میں شراب پینا قطعی جائز ہی اس کا استعمال دوسروں کو بلانا، حتیٰ کہ اس کے پینے کا پرچار کرنا ہر طرح پر جائز ہی لہذا مجھ سے زیادہ دلائل کوئی صاحب شراب کے استعمال کے موافق نہیں دے سکتے ہیں اور جن مسلمان بھائیوں نے اس کے باوجود حرام ہونے کے قطعی بند نہ کیئے جانے کی نسبت فرمایا ہی وہ کسی تجربہ سے نہیں کہا بلکہ کسی دوسری وجہ سے فرمایا ہی گو انہوں نے میرے مذہب کی تائید کی ہی جس کا میں مشکور ہوں لیکن تجربہ کے ساتھ نہیں۔ اس لیئے میں آپ کو اس کے کچھ فوائد بتلانا چاہتا ہوں۔ شراب دنیا میں بہترین چیز ہی شراب کے ساتھ کباب بھی ہو تب لطف شباب ہو، پُرانی مثل ہی لہذا ہر شخص کو شراب پینا چاہیئے اور چونکہ تمام دنیا بھر عابد یا زاہد نہیں ہو سکتے اس لیئے یہ لازم معلوم ہوتا ہی کہ شراب جو کہ زندگی کے عیش و نشاط کے لیئے بہترین چیز ہی قائم رکھی جائے۔

چلے آئے ہنسے ہوائے اگر آئی ہی یاروں میں

دولہن ہنک نہ بیٹھے دختر و بانہ خواروں میں

میں اس کو مدحض دنیا کے خیال ہی سے نہیں بلکہ دین کے خیال سے بھی اچھا سمجھتا ہوں اکثر یہ کہا گیا ہی کہ شراب پینا گناہ ہی یہ گناہ نہیں ہو سکتا یہ بالکل غلط ہی کیونکہ جب بہشت میں بادۂ اطہر ملیگی تو وہ کس طرح حرام ہو سکتی ہی اس لیئے یہ ضروری ہی کہ دنیا میں ہی پینے کی عادت ڈال لینا چاہیئے چنانچہ جو شی بہشت میں ملے اُس کو زمین پر چھوڑنا کہاں کی عقلمندی ہی۔ اس کے علاوہ۔ جذبات والا۔ میرا تو یہ خیال ہی کہ جتنے شراب پینے والے تھے وہ سیدھے بہشت کو گئے اور جنہوں نے شراب نہیں پی تھی وہ دنیا کی مصیبتوں ہی میں پڑے رہے۔ لوگ شراب پینے والوں یا اُس کو بند نہ کرانے والوں کو جس طرح مسلمانوں میں کافر کہتے ہیں ہمارے یہاں جاکھس کہتے ہیں لیکن یہ دعویٰ بلا دلیل اور چنانچہ بالکل غلط ہی۔

مثلاً سہی راون جی مہاراج جو خوب شراب پیتے تھے دنیا کے سب سے بڑے  
 پندت تھے اُن کے ویدوں کی تشریح آج تک ثبوت میں بیٹھی کی جاتی ہی -  
 مہاراج کدس اور مہن کیشب جہاں سندھ وغیرہ کے لیئے محض شراب کی وجہ سے  
 خون پر ماتما کو جسم انسانی میں آکر اُنہیں مارنا پڑا جس سے وہ سیدھے بہشت  
 میں چلے گئے جب رامچندر جی مہاراج اور راون مہاراج جی کا جدِ ہوا تو  
 بانو (بانر) اورک جو مارے گئے تھے اُنہیں اِست پلاک اِس دنیا میں ہو گئے کے  
 لیئے زندہ رہنا پڑا - اِن چند مثالوں سے میرا مطلب یہ ہے کہ شراب پینے والے  
 سیدھے بہشت کو جاتے ہیں - اِس کے بعد پُرانے زمانہ کو دیکھئے جتنے بڑے بڑے  
 آدمی ہوئے سب شراب پیتے تھے حضرت غالبؒ عمر خیامؒ وغیرہؒ - تاریخی  
 اُتھار دیکھئے - انگلستان امریکہ فرانس عرب سب جگہ شراب رائج تھی اور نئے  
 زمانے میں بھی اگر آپ ملاحظہ فرمائیں تو آپ کو معلوم ہوگا کہ بڑے سے بڑا مسلمان  
 جج بھی شراب پینے کی وجہ سے اِس قدر قابل ہوا اور ایک بڑے سے بڑا ہندو  
 وکیل بھی ایسا ہوا جس کا ثانی آج تک نہیں - یہ مثالیں ہمارے سامنے  
 موجود ہیں جن صاحب کا مزاج چاہے آزمائیں - جن ممالک نے غلطی سے کچھ  
 عرصہ کے واسطے بند کر دی تھ اُنہوں نے پھر رائج کر دی اس کی زندہ مثال ترکی  
 ہمارے سامنے موجود ہے - لہذا شراب کو اِس قدر بُرا سمجھنا یا اُس کو اِس قدر  
 ٹھکرانا میری تو سمجھ میں نہیں آتا - میں تو جناب ہوم مینسٹر صاحب ممدوح  
 (نواب صاحب چھتاری) کا تہہ دل سے مشکور ہوں کہ اُنہوں نے اِس کو بند کرنے  
 کی مخالفت کی اور ہم کو مشورہ دیا کہ یہ ایسا کرنے سے نظام سلطنت میں بہت  
 خرابی واقع ہوگی - بہ کیف میں اُس مسئلہ میں بالکل خاموش تھا لیکن آج  
 جب مباحثہ (discussion) شروع ہوا اور میرے دوست ڈاکٹر شفاعت احمد خان  
 صاحب نے ایک طرف سے اور خان بہادر مولوی مسعود الحسن صاحب نے جو  
 میرے (constituency) کانستٹیوٹنسی ہی کے نامزد شدہ ممبرس ہیں دوسری  
 طرف سے تقاریر شروع کیں تو ایکدم سے میرے دل میں روشنی ہو گئی میری آنکھ  
 کھل گئی اور میں سوچنے لگا کہ یہ کیا ماجرا ہے کیونکہ ایک صاحب نے فرمایا  
 کہ حالانکہ شراب ہمارے مذہب میں جائز نہیں ہے اور ہم اِسے حرام سمجھتے ہیں  
 لیکن ہم قطعی بند کرنے کے خلاف ہیں بلکہ ریڈولوشن میں الفاظ ”قطعی بند کرنے  
 کے“ بجائے الفاظ ”قطعی پرہیز کرنا“ فرمیں کر دیئے جائیں یعنی (Prohibition)  
 نہ ہو کہ (Abstinence) ہو - سبحان اللہ کیا خوبصورت تجویز ہے اب  
 ملاحظہ فرمائے! (Prohibition) کے معنی ہیں ”قطعی بند کرنا“ اور  
 (Abstinence) کے معنی ہیں ”قطعی پرہیز“ اب لفظ ”پرہیز“ اور ”حرام“ میں  
 فرق دیکھنا ہے - میں جہاں تک سمجھتا ہوں لفظ پرہیز نے دو معنی ہوسکتے ہیں  
 ایک تو یہ کہ ”ہم“ نہیں پینینگے لیکن اگر دوسرے پیئیں تو کوئی مضائقہ  
 نہیں اور دوسرے پرہیز کے معنی یہ ہیں کہ بوجہ طبیعت ناساز ہونے کے یا  
 بوجہات چند در چند کچھ دنوں تک نہ پی جاوے یعنی اِس سے پرہیز رکھا  
 جاوے لیکن جب وہ وجوہات دور ہو جائیں تو پی لی جاوے اب میں اپنے  
 دوستوں سے دریافت کرتا ہوں کہ حضرت! لفظ پرہیز سے کیا مراد ہے پرہیز کے تو

[Babu Bhagwati Sahai Bedar.]

یہ معنی ہوتے ہیں کہ جیسے کوئی حکیم کے پاس جائے اور وہ کہہ دے کہ تم سب کھانا مگر بینکمن مت کھانا اگر اَبسٹینینش (Abstinence) کے معنی پرہیز کے نہیں بلکہ حرام کے ہیں تو میری سمجھ میں نہیں آتا کہ لفظ (Prohibition) کو کیوں علیحدہ کیا جاتا ہے غالباً اس کا مطلب یہ ہے ہوگا کہ جب بڑے بڑے انگریزوں کو دعوت دی جائیں یا پارٹیاں ہوں جن میں شراب کا استعمال ہو تو پارٹی دینے والے ہزرگ "پرہیز" اور "حرام" کا فرق بلا کر جان بخشی کہا لیں یہ کیف میں اپنے دوستوں سے عرض کروں گا کہ کال پھلانا اور ہنسنا ایک ساتھ نہیں ہو سکتا لہذا یا تو مذہب کی دواہائی دیجیئے یا صاف صاف کہہ دیجیئے کہ مصلحت اسی میں ہے کہ شراب بند نہ ہو۔ میں یہی صورت ایک نتیجہ پر ضرور پہنچا ہوں کہ یہ دختہ رز اس قدر شاطر واقع ہوئی ہے کہ بارجوں ہر طرح پر پردہ میں رکھنے کے نکل ہی جاتی ہے جب سے ہرٹش گورنمنٹ یہاں آئی ہے اُس کے بعد سے جب سے لیجسلیچر (Legislature) قائم ہوئے تب ہی سے کوشش کی جا رہی ہے کہ اسے بند کیا جائے مگر کامیابی نہیں ہوئی اب ڈاکٹر شفاعت احمد خان صاحب ایک کمیٹی کے پردہ میں جو کہ چند میمبران کے حلقہ میں ہو گئی اسے لانا چاہتے ہیں میں عرض کروں گا کہ اگر یہ چیز حرام ہے تو اس کو پورے طور پر حرام سمجھا جائے اور ایکدم سے کیوں نہ بند لیا جائے۔ کسی چلتے ہوئے معاملہ کو کمیٹی کے آرپر ٹالنا گورنمنٹ کا پُرانا لٹکا ہے جب کوئی بات اُسے اپنے آپ کرنا نہ ہوئی تو جھٹ کمیٹی بنا دی وہ کمیٹی چھ مہینے بیٹھی تو مہینے میں اُس کی رپورٹ نقل کرائی جس کا کوئی سر نہ پیر یعنی قطعی کمزور اور نہایت ناقابل غور جس پر نکاح ڈالنے کو بھی جی نہ چاہے \*

(miniute of dissent) تو فضلا ہوتا ہے جو کہ اس قسم کی رپورٹوں کے ہمراہ ضرور ہوتا ہے اسے تو گورنمنٹ علیحدہ کر کے پیٹنک دیتی ہے ایک خاص بات میرے قابل دوست خان بہادر مسعود صاحب نے فرمائی ہے کہ اگر ملک میں شراب بند کر دی گئی تو لوگ ہنگ پینے لگیں گے اس لیے اسے بند نہ کرنا چاہیئے میں تو یہ کہتا ہوں کہ آپ چوری کیوں بند کرتے ہیں کیونکہ اگر چوری بند ہو گئی تو گڑہ کٹی شروع ہو جائیگی لہذا اس واسطے کہ گڑہ کٹی شروع نہ ہو چوری جاری رکھی جائے سبحان اللہ کیا کیا معقول منطق ہے اور کیسے سلجھ ہوئے (arguments) آرگومنٹس پیش کیئے گئے ہیں اس وقت حضرت غالب کی روح آپ کے لبوں کا ہوسہ لینے کے لیے لپکی ہوگی آپ نے یہ بھی فرمایا کہ شراب کی قیمت اسی وجہ سے زیادہ کر دی گئی کہ یہ پینے والوں پر جو سہانہ کا کام کرے تو اسی بنا پر کل یہ بھی طے کر دیجیئے گا کہ جو شخص ڈاکہ ڈالے اُس میں سے ۲۵ فیصدی گورنمنٹ میں داخل کرے ورنہ قابل باز پرس ہوگا میرے لیے تو کوئی دقت نہیں ہے \*

رند جو ظراف اُٹھائے دھی ساغر بن جائے

جس جگہ بیٹھ کے پی لیں دھی میخانہ بند

یہ تو آپ حضرات کو فکر ہونی چاہیئے کہ اگر بند ہوگی تو آئندہ خلوت کا کام کیونکہ چلیکا جناب صدر مجھے اُمید ہی کہ جس چیز کا استعمال میرے مذہب میں جائز ہی اور جس کو میں بند کرانے کو تیار ہوں اُمید ہی کہ اسی چیز کو میوے وہ دوست جن کے مذہب میں حرام ہی ضرورت ”قطعی بند کرانے“ کے حق میں راے دیکر کے اور ”پرہیز کرد“ کی ترمیم جو کہ ڈاکٹر شفاعت احمد نے پیش کی ہی نامنظور کرینگے بہرکیف \*

شب و صلت اداے شوخ جانان شرمگین نکلی

اشاروں سے ”تو ہاں“ نکلا مگر منہ سے نہیں نکلی

**Mr. E. Ahmad-Shah :** I rise to support the resolution. The point which I want to make clear to start with is whether liquor is harmful or not. Nothing is harmful in itself, but the use of a thing in excess or defect makes it so. In this sense liquor may be taken to be a harmful thing. The spirit of the resolution and the spirit of the amendment also indicate that liquor is harmful, because both measures advocate that its use should be prevented either totally or partially. As it has been shown to be harmful, how should we prevent it? Two methods are indicated, viz., abstinence and prohibition. Government, of many functions, have two main functions to perform in this direction: (1) the prevention of harmful things by law and (2) the prevention of harmful things by education. The amendment is in the latter direction, which, as far as I am concerned, does try to prevent this harmful thing, namely liquor. But in India there is a large section of illiterate people—about 80 per cent., and education is progressing very slowly. I wish it had progressed so far as to enable us to remove this harmful thing by education alone, but because of this large section of illiterate people education in itself will not be able to prevent harmful things. Therefore law should be resorted to to stop harmful things such as liquor. The inculcation of abstinence will not work so speedily as to cope with the great harm done by liquor. In order to stop this great harm we must resort to law. Therefore I support the original resolution. I do not for a minute go against the spirit of the amendment, which is implied in bringing about the prevention of liquor through educative means. These should be adopted; but when we find that educative means so far have not been able to bring about so desirable an effect as we want, why not have resort to the law as well? I here agree with the supporter of the amendment that evil cannot be prevented altogether by law. But why not resort to law to provide a means of prevention? Law is a great power in the hands of the Government to stop objectionable and harmful objects. Why not have recourse to it when we find that education alone cannot do it? Government policy has been in the right direction. I agree with the Hon'ble the Home Member; it has brought about great relief by way of reducing the number of shops, and by regulating the hours of the sale. While Government is working in this progressive direction to bring about a decrease in the use of liquor, our resolution is simply for increasing the speed of that progress.

Reference has been made to America. For the information of the House I have got some hard and bare facts to present in favour of total prohibition. These facts are as follows. I have got a comparative scale of the wet period and the dry period. The wet period in



[Mr. E. Ahmad Shah.]

America came to an end in 1920 and after that the dry period started. There are six items that will disclose to us the progress made in America in bringing about the stoppage of this harmful thing. The death-rate during the wet period was 17·6 per cent. since the dry period it is 11·1 per cent. During the wet period people of that country owned houses to the extent of 30·3 per cent; since the dry period people have begun to own houses to the extent of 72·6 per cent. The consumption of milk per head per year during the wet period was 40 gallons; during the dry period it has increased to 53 gallons. The school attendance during the wet period was 73 per cent.; during the dry period it has risen to 90 per cent. Scholars during the wet period numbered 462,651; during the dry period the number of scholars has risen to 9,618,117. The last item, as far as the statistics are concerned, is about cars. During the wet period the total number of cars owned by people in America was 1,000,488; during the dry period, viz., since 1920, the number of cars owned by the American people has risen to 11,571,181. These six items, viz., the death-rate, the houses owned, the milk consumed, the school attendance, the number of scholars, and the cars possessed by people of that great country will throw a flood of light on the progress attained under total prohibition.

My honourable friend Thakur Manjit Singh Rathor pointed out that all the attempts made in order to prevent the consumption of liquor have been a total failure. And we know from our experience that it is not possible merely by preaching or by giving lectures on temperance to bring about a reform in this line. It is absolutely necessary therefore to have recourse to law.

It has been said that if we bring about total prohibition the large number of Native states which exist in the United Provinces may create some trouble—perhaps they may, I do not think that. But even if they do, let us give them the lead—they will follow.

I have some more observations to make on the speech of the supporter of this resolution. As far as I am concerned I have not the complacent self-satisfaction that my community is safe. I would first seek the safety of the other communities in which I firmly believe I will find the safety of my own community. Another observation which I have to make is that it has been said that total prohibition will be such only in name. It may remain so in name for a few more years to come, but if we hold fast to our objective, I am sanguine enough to think, that the goal will not remain in the theoretical realm but will become a practical achievement. With these few remarks I beg to support the resolution for total prohibition.

**Rai Bahadur Babu Vikramajit Singh:** I oppose the amendment which has been moved by Dr. Shafa'at Ahmad Khan and support the resolution. Dr. Shafa'at Ahmad Khan wanted to substitute by his amendment total abstinence in place of total prohibition, and he said in his speech that this could be achieved by reduction in the number of shops and curtailment of hours for sale. I think, this speech coming from the Professor of History seems to be very illogical. How can total abstinence be achieved merely by curtailment of number

of hours and reduction in the number of shops passes ones comprehension. It can only be achieved, I submit, under the present circumstances by introducing total prohibition. By one supporter of the amendment it has been said that you ought to achieve that object by means of temperance reform. Now, Sir, this is a very old story. When I was at school I used to see temperance reformers preaching every day from the pulpit and now after more than thirty years I find that the conditions have not changed. Every evening I used to hear the temperance reform people singing songs and there saying :—

آم پہلے تو بت رکھے اور مہوہ پہلے پت کہوئے  
ایسے بہت کا رس پیئے تو گاہے نہ فضیحت ہوئے

But all the same we find that the people have not given up their habit and they still go on drinking liquor in the same way as they did before. It may afford great satisfaction to the Hon'ble the Home Member to give figures that the number of shops has been reduced but it gives us no satisfaction at all. We will be satisfied when the people entirely give up this evil habit. There is no one in this House who has contended that drinking is conducive to the good of the people. We all know that a good deal of money is wasted by people on account of this evil habit of drinking and I would say that it should be legislated that they should give up that habit. They have not been able to give up that bad habit merely on account of preaching. As my honourable friend Thakur Manjit Singh Rathor has pointed out, all the attempts made to prohibit the consumption of liquor have been a total failure, and we know from our experience that it is not possible merely from preaching or merely from giving lectures on temperance to bring about a reform in this line. Therefore it is absolutely necessary to have legislation on the subject if we want to eradicate this evil. The great question which faces the Government is the loss of revenue. There is no doubt there will be a great loss of revenue if total prohibition is enacted. But this, I submit, is no excuse for continuing the evil. My two honourable Muhammadan friends said that their community was immune, and therefore I submit the greater reason for legislation that the evil which is attributed to the Hindus or non-Muslims should be stopped. The arguments that have been put forward by those who moved the amendment and opposed the resolution cannot be considered to be sound. One honourable gentleman said that if you spread education it will eradicate the evil. Education might make people give up country liquor but what about foreign liquor? Do we not know that there are so many educated people who never tasted country liquor, but take foreign liquor? Therefore it is not merely education that will eradicate the evil. What we want is legislation. There is no religion which allows the use of liquor, but all the same we find a large number of people indulging in it and Government should not fight shy of bringing about this reform. They are only thinking of their revenues and they are not thinking of bettering the condition of the people. The Government say that liquor might be smuggled from other places and people might commit offences and it may be necessary to increase the staff and increase the number of courts. I say—do it by all means if it is necessary to increase the staff and courts in order to help the community to live better. There are so many members of the poorer classes who earn small amounts by working in mills

[Rai Bahadur Babu Vikramajit Singh.]

and factories and who spend the greater portion of their income on liquor. Their families and children are all starving, but still they cannot give up that bad habit. Therefore in the interests of the people it is necessary to have legislation of this nature in spite of the fact that Government may have to lose revenue. Other sources may be found to increase the income in order to carry on the administration. I therefore think, Sir, that my friend the Hon'ble the Home Member has not been able to make out any case for opposing a resolution which tends to better the condition of the people. It cannot be said that because there would be some crime in a certain direction, consequently you must allow people to go on in the present circumstances and should not penalize or have legislation for bettering their condition. The same argument would apply to all penal laws enacted by Government. What about the Penal Code or other laws. Does the enactment of those laws prevent the people entirely from committing crimes? Crime still goes on, but all the same it is the business of the Government to maintain peace and order, and they will be able to look after this part as well and therefore I do not think that any good argument has been produced on behalf of Government to oppose this resolution. I therefore give my whole-hearted support to this resolution.

**Mr. Zahur Ahmad :** I rise to support the amendment moved by Dr. Shafa'at Ahmad Khan, not because I am sitting on these benches, but because I am consistent in supporting this amendment which is exactly the same which was moved a year ago by those benches where I used to sit. Secondly, because, honestly, I feel that hasty measures might not achieve either abstinence or prohibition and because I believe that my religion teaches me nothing but abstinence, fear of God, and not to commit sin, and because I truthfully and sincerely believe in the commandments of my religion and not because I am afraid of the Government; for if I am not afraid of my religion, how can I be accused of fearing Government? And, Sir, fourthly, because in the days of non-co-operation I have experienced the orders of Mahatma Gandhi that the pickets should not force any person not to drink, but educate them, tell them and warn them of the evils of drink. In view of these four things, Sir, I stand here to support the amendment moved by my learned friend Dr. Shafa'at Ahmad Khan. Sir, I believe this resolution which has been moved takes us only half way. I am afraid on the one side this resolution asks Government to prohibit drinking of country liquor and on the other hand, as it stands it gives absolute freedom for people to indulge in foreign liquor. Therefore this is only a half measure and I cannot support it. Rai Bahadur Babu Vikramajit Singh has said that education and propaganda for abstinence has failed, and that being so, he is now for legislation. Well, Sir, it is prohibited under the penal laws of this country to commit theft. It is prohibited to practise deceit, to cheat people. But has this legislation brought about the total eradication of these crimes? Here we are for total prohibition or total abstinence of liquor. I am afraid that total abstinence or total prohibition cannot be brought by legislation. It can only be brought about by educating the people and making them understand the evils of drink, by teaching them the commandments of God, and unless this is brought home to them it is impossible to bring about total prohibition or total abstinence. Now, Sir, what I wish to impress on the

minds of honourable members in this connexion is only this, that it is not the educated people only but the illiterate classes about whom my friend Mr. Ahmad Shah has said that they are about 80 per cent. of the population of this country and he says it is impossible to educate them and prevent drinking. I say that this statement is given a direct lie to by the statistics for country liquor. The consumption of this liquor has in the last six years, in these provinces reduced from 16 lakhs of gallons to 6 lakhs of gallons. The income is less by 55 lakhs. The contribution to excise revenue is Re. 0-4-6 per head as compared to Rs. 2-2-4 in Bombay, Re. 1-2-6 in Bengal, Re. 0-9-0 in Punjab, Re. 1-2 in Madras, Re. 0-8-0 in Bengal. It is not the educated people who drink country liquor, it is the uneducated people. It is propaganda that has brought about the result, not the propaganda of Government alone, but the propaganda of the leaders, the propaganda of public men, the propaganda of Mahatma Gandhi, the propaganda of the educated people, that has brought about this reduction in the consumption of country liquor. Why should not the same public men who had done propaganda work during the last five or six years come forward and do the same propaganda, which, I am sure, will bring about the same result as had been brought about during the last five or six years. Therefore, I say with regard to the argument of Mr. Ahmad Shah, that it is the uneducated people who have reduced the consumption of country liquor, who have reduced the income which is derived from liquor shops. What I have to submit in this connexion is this, that enormous expenditure would be required for keeping a staff who are free from temptation to corruption and if you are going to reduce the income from excise then to employ a staff for prohibiting purposes you have to do one of two things. You have to fall back upon either fresh taxation or reduction in the cost of administration; and reduction in the cost of administration might mean the curtailment of grants to the transferred departments or the curtailment of grants to the reserved departments. Fresh taxation is out of the question, and until we reduce the cost of administration it is useless, it is premature, to consider this question of prohibition at this stage. I therefore support this amendment in the hope that Government will honestly and truthfully stick to the pledge which they had given a year ago that total abstinence is their policy and that they will genuinely and honestly bring about all those measures which will eventually result in total abstinence by reducing the production of liquor, by reducing the number of liquor shops, and by educating the people not to drink. If they are honest and true to their pledge I hope that the result will be fruitful and beneficial. With these words I give my support to the amendment.

**The Hon'ble Kunwar Rajendra Singh :** Since the inauguration of the Reforms our excise policy has all along been restrictive. We have done all what could possibly be done in this direction. This policy we have rigidly followed and consequently we can now claim that the contribution of excise revenue per head of the population is the lowest in these provinces, barring the North-Western Frontier Province. In these provinces it is only Re. 0-4-6, whereas in Bombay it is Rs. 2-5-0, in Madras it is Rs. 1-2-4, in the Punjab Re. 0-9-0, in Bengal, and Bihar and Orissa Re. 0-8-0. During the course of the last five years we have reduced the number of country liquor shops by 42 per cent. and the consumption

[The Hon'ble Kunwar Rajendra Singh.]

of liquor has gone down by over 60 per cent. Not content with this, we have constituted licensing boards and advisory committees. They are representative in character with a non-official majority and are vested with wide powers of opening and closing shops and deciding their location. Further, ours again is the only province where licensing boards exist. Such boards now exist in 23 municipalities and in the rest of the province there are advisory committees. In 1922-23 we introduced the surcharge system and it has proved very useful. Again in 1922-23 we enhanced the duty on liquor by 44 per cent. and it still remains at that figure. The cumulative effect of all these measures has been a considerable decrease in the consumption of liquor.

Now, it will be seen from what I have said that our policy has been in advance of that of any other province in India. Sir, this is the rosy side of the picture. Now let us see what the other side has to reveal? The cases of illicit distillation that come to the notice of the Government are neither few nor far between; they are rather frequent, and the Government look at them with grave concern. From 36 out of 48 districts cases of illicit distillation have been reported. The high duty on liquor has made the people indulge in more deleterious drugs. The habit of taking cocaine is rapidly increasing and spreading even among the middle-class people. The greatest problem before the Government is to suppress illicit distillation and the smuggling of cocaine and other drugs. The cause of abstinence cannot be expected to advance unless this problem is satisfactorily solved. I think that if the present policy of the Government is radically changed it will upset the whole thing and for this reason I find myself unable to accept the resolution, but I am in whole-hearted sympathy with the spirit of the resolution that total abstinence should be brought about as speedily as possible. I assure the honourable members that we are doing all what we can. My policy is the same which was acted upon during the time of my distinguished predecessor in office, the honourable Nawab Sahib of Chhatari. However, I am prepared to accept the amended resolution.

[*During this speech the Deputy President took the chair.*]

**Pandit Govind Ballabh Pant:** Mr. Deputy President, it gives me great pleasure to rise and speak just as you have stepped on to the dais. On behalf of my party I offer you our hearty congratulations as Deputy President of this Council. I hope if you are returned to the Council next time you will have acquitted yourself with such distinction and ability and impartiality that even the Government will support your candidature in case you are set up again.

Coming to the resolution, I was interested in noting the warning administered to us so aptly by the Hon'ble the Home Member who is in charge of the Police as well as the Jail departments. I hope, however, that he did not mean to use the word in a violent sense and that it was only in a non-violent manner that he intended to administer the warning. My friend, the honourable member who hails from Moradabad—I was just going to say, the honourable member for Moradabad, but was reminded that he was not representing that constituency, but was here by the grace of Government—said that he was not permitting himself to be led away by sentiment. I think that he is a practical

man and I can very well say that all those are practical men can manage to see eye to eye with the Hon'ble Minister or with the Government. I also understand that if he had possessed a keen susceptibility he would have realized the misfortune, the agony, the intolerable depravity of those who are poor victims to the habit of drink and drugs. Certainly one can claim that he has not been influenced by sentiment or motion. He may even go further and say that he is not prepared to be led away by his heart. I would not say that he is heartless though opposition to a resolution of total prohibition indicates lack of sympathy for the poor. I suppose he is not influenced by any such weakness of sentiment.

As to Mr. Zahur Ahmad, I can only hope that his views must be generally in agreement with ours in theory, and if they are not so on any particular occasion, it is because, as he has claimed, he is very practical.

Coming to the resolution, what we are proposing today is not a strange proposition, but is something which had been adopted by a higher legislature in which our province was represented by eminent persons. I may just remind the honourable members of this House that the Legislative Assembly passed a resolution on September 2, 1925, advocating the speedy attainment of total prohibition. I may also remind them that, early in January last year, a total prohibition league was established in Delhi, which includes among its members almost all the leading men of the country. So the proposal that is embodied in this resolution is not of a strange character. We are only asking this House to lend support to the policy which has already been accepted by the higher legislature, which contains representatives not only from our province but from all the provinces of India. It is claimed that there has been a reduction in consumption and that the number of shops has been dwindling from year to year. I give credit to Government for this. I think that the policy was initiated some five years ago, and not initiated by the present Government. One thing is noticeable, and it is this, that while in 1921-22 the consumption of liquor went down by about 50 per cent immediately, since then the consumption has been going down gradually, so that while the consumption was reduced by 8,00,000 gallons in 1921-22, last year the reduction in consumption was only 43,000 gallons. I am giving the figures from the latest review of the Government which appeared in the Gazette of January 8, 1927. The reduction of late has been much less in the quantity consumed than it was in one single year, namely 1921-22. In that year the cause of temperance gained much more than we have attained during the last four or five years in succession, even if we add up the figures for the last four or five years. The reason is plain enough. In that year, the system was changed and the graded surcharge system was introduced whereby the fees were enhanced considerably, and they served as a check on the people from resorting to liquor. It has again been suggested that the revenue incidence per head of population in the United Provinces is the lowest. That is not literally correct, as in the North-Western Frontier Province the incidence is lower still. But there is one thing which must be noticed by the honourable members, and it is this that the incidence has been almost constant throughout. It has been ranging between 4 and 5 annas per head for about 15 years or more. It was, I think, only since the war

[Pandit Govind Ballabh Pant.]

boom was on in 1916-17 that the figure of incidence that is now in existence was overstepped. Before 1915-16, the incidence per head had been much lower. There is another lesson which we learn from this, and it is that in India, specially in our province, after he gets addicted to drink it is the financial resources of that man which determine the amount he consumes. It is because he is poor, he has no more money, that he cannot purchase more. If you want to wean him away from the use of drugs or intoxicants, the only way in which you can do so is by drying up those springs from which he gets those things. If there is a vast disparity between Bombay and the United Provinces it is because Bombay is rich and the United Provinces is poor, and it is perhaps also because the habit has flourished under British rule, and the longer the connexion of a province with British administration, the larger the growth of that habit in that particular province. The Hon'ble Minister says that the present policy to which he is committed is one of total abstinence. We ask for the adoption of the resolution which has been moved by my honourable friend, as total abstinence cannot be secured otherwise. No better argument could have been found than the statement made by the Hon'ble Minister himself. He says that illicit distillation has increased. The high duty of liquors has made the people to indulge in deleterious drugs. Further, he says that the cocaine habit is spreading. So all these evils which could possibly ensue or which one could imagine as likely to arise out of the immediate introduction of total prohibition are already there. And the reason is obvious enough; for if you raise the value of a thing above the level which is beyond the means of one who wants it, he naturally resorts to those ways which enable him to satisfy his craving for it whether they are legitimate or not.

**The Deputy President:** The honourable member has two minutes more.

**Pandit Govind Ballabh Pant:** When it is said that the present system has led to other evils, then we naturally conclude that, while it leads to evils, while it has all the shortcomings, associated with the policy of total prohibition by its opponents, it is not yielding the full benefit of which such policy is capable. One can naturally expect total abstinence from the policy of total prohibition. So we say that you are putting yourself in a dangerous position when you are exposing yourself to all the risks and not deriving all the advantages. So with a view to get the full benefit of abstinence we suggest that you should adopt the policy of total prohibition, and that we want to be done. I would remind the practical-minded people that we want that to be done only as speedily as possible. We do not say that it should be done today. In the end I would just read a sentence which I found in the pamphlet issued by the Anti-Saloon League. It said:—

“Demand licence, low, medium, and high, has been tried in every conceivable form and the restraining hand of the law has been laid heavily upon the traffic almost everywhere, yet has the blight of the traffic continued to fall on our people until the whole church and the electorate have each alike felt the deadly sting of its touch.”

It was issued just when the principle of total prohibition was to be incorporated in the fundamental constitution of the United States. And

I may also remind the honorable members of this House that the various States which constitute the United States had actually tried it in various constituent States before it was adopted by the whole of the United States. I hope honourable members will find it possible, in spite of the speeches made by those who have spoken in support of this amendment, to adopt this resolution *in toto*, as nothing can be more honourable to them than to follow in the footsteps of the country to which reference has been made by some of the speakers this afternoon.

**Mr C. Y. Chintamani :** Mr. Deputy President, I join my honourable friend, the member for Naini Tal, in congratulating you upon the eminence to which you have attained. Addressing myself to the question before the House I may state that I have had to depart from my intention of abstaining from participation in this debate on account of the speech of the Hon'ble Minister. I followed the speech with the attention with which every speech coming from a member of the Government should be listened to, and the latter part of that utterance has created in me some surprise and filled my mind with confusion. Having addressed his arguments in vindication of the excise policy of the Government, he concluded his speech by pronouncing his benediction upon the amendment to the resolution. He did not put forward a solitary argument in justification of that attitude. The more was this surprising as anyone who had heard the earlier part of the speech would have concluded that he was opposed no less to the amendment than to the main resolution. My object in addressing the House now is to put a few questions to the Hon'ble Minister in the hope of eliciting from him, before a division is taken, intelligible answers to those questions. Otherwise his position, which I must assume is the position of the Government, will remain incomprehensible, to me at all events. The amendment recommends to the Government to bring about total abstinence from liquor as speedily as possible. I wish to know whether it is the policy of the Government to bring about what has been described as total abstinence, and, if it is their policy, by what means they propose to bring about that result? I wish to know whether the Government are aware of any means short of prohibition by means of which they can bring about total abstinence. If even when the Government are pursuing a policy of temperance reform, as distinguished from prohibition, they are confronted by the difficulty of dealing with illicit distillation and smuggling and other evils, did the Hon'ble Minister consider whether they were ready with the means of dealing with those very evils in a much aggravated form when they succeeded in bringing about the policy recommended by the amendment. I may mention that according to my understanding of the language of the amendment and of the resolution there is no real difference of substance between the two. Total abstinence in the community as a whole is brought about by the employment by the State of a policy of prohibition. Individuals who are not addicted to drink require no Government prohibition in order to keep them to their habit. It is only those who are in the habit of drinking, who will not voluntarily give it up and who will not be amenable to the street-preaching to which my friend to the left has referred—it is to put down the habit of those people that the State steps in and enacts a law of prohibition. If the Hon'ble Minister is opposed, as he has told us very distinctly that he is opposed, to the policy of prohibition recommended by the resolution, it is a marvel to me that in the



[Mr. C. Y. Chintamani.]

same breath he could bless the policy recommended by the amendment, for there is no difference between the two except the difference between six and half-a-dozen.

Next, the amendment speaks of liquor. Has the Hon'ble Minister made up his mind that all that is required to promote sobriety among the people is to bring about abstinence from liquor and not from drugs and any other intoxicants? On the other hand, do not the excise administration reports and the Government resolutions thereon teem with suggestions that it is the indulgence in drugs which does far more harm than the indulgence in liquor? Is the Hon'ble Minister of a different opinion? My next question is, what classes of liquor will the Hon'ble Minister deal with in order to bring about total abstinence from them? Yesterday morning he had my sympathy when he was subjected to persistent cross-examination from this side of the House owing to his inability to supply figures with regard to imported liquor. It was explained that the phrase "foreign liquor" included not merely liquor imported from abroad, but also liquor manufactured in this country. If the Hon'ble Minister meant that he would adopt a policy of "total abstinence from all classes of liquor, did he consider whether it was within his legal competence as a local Government to deal with imported liquor at all, or did he mean to confine himself to foreign liquor made in India and to country liquor?

The second part of the amendment recommended to the Government that a Bill embodying the principle of local option should be circulated for public opinion. The phrase "local option" and the words "total prohibition" or "total abstinence" are, if I may be permitted to say so, a contradiction in terms. Local option implies option to the people of a locality either to have or not to have liquor shops in their midst, and if you are willing to give to the people such option, how are you at the same time going to promote a policy of total abstinence? I have not been able to understand how the Government are going to reconcile these two parts of their position.

Next, did the Hon'ble Minister consider what was the form of local option which the Government would accept and embody in the Bill? When he said he was ready to accept the amendment, he practically said almost in so many words that he would prepare or cause to be prepared a Bill embodying the policy of local option and circulate it for public opinion. He further agreed to accept the last part of the amendment, to take other measures necessary for the purpose, whatever they might be. Neither the mover and the supporters of the amendment nor the Hon'ble Minister who pronounced his benediction upon it took the pains to enlighten the Council as to what might be those "other measures." My purpose, as I said at the outset, in uttering these few words is to elicit information—authoritative information—from the member of the Government in charge of this subject, as to what exactly he had in mind when he opposed the resolution and supported the amendment? In what manner is he going to implement the assurance he has given to the Council that he is going to take action in that direction. I think the Council is entitled to know from the Government whether it is merely a formal, conventional, meaningless blessing to the amendment in order to escape what they thought the greater evil of the resolution being carried by the House or whether they meant seriously to do

something in order to bring about the results—not very intelligible, not very consistent—aimed at by this amendment.

**Kunwar Jagdish Prasad :**

*[During this speech the Hon'ble the President resumed the Chair.]*

I should like to join my honourable friend the leader of the Swaraj party and my friend the member for Partabgarh in offering you my personal congratulations on your elevation to that seat. I wish you a prosperous and distinguished career.

I now propose to deal with the questions which have been raised by my honourable friend the member for Partabgarh. I will, if time permits also deal with the main question of prohibition which seems for the moment to have been thrown into the background. I wish that my honourable friend had expressed his views a little earlier, so that the burden of replying to his questions had not fallen on the shoulders of Government members only.

**Mr. C. Y. Chintamani :** I followed the honourable minister.

**Kunwar Jagdish Prasad :** I am sure if my honourable friend had expressed his views early, the leader of the Swaraj party would have had a good deal to say about them. My honourable friend has inquired whether the policy of Government is total abstinence. Well, Sir, the conference of which my honourable friend the leader of the Swaraj party was a member, included several other very distinguished members, who were closely connected with temperance. After deliberating for a long time the conference passed the following resolution :—

“ We desire to make it clear that we favour as the aim of our policy the achievement of general total abstinence.”

This policy was recommended by men who presumably knew what they were after. There were two debates on this subject in the last Council and it was declared by the then minister, my honourable friend the Home Member, that the policy of the Government was total abstinence. The same assurance was repeated by my honourable friend Mr. Blunt, who said that whatever might be the words, whatever might be the form, the substance of Government's policy was total abstinence. That has been the consistent policy of the Government since my honourable friend the Home Member was in charge of this department and it is the present policy of the Government. There has been no deviation from that policy. A further question which he put was as to how we proposed to bring it about and whether we had thought out the measures which were necessary to bring about the result. The conference suggested measures which, in their opinion, would lead to total abstinence. A further recommendation is that Government should introduce a Bill for local option. Then they have made suggestions about reducing the number of hours during which liquor should be sold. They have also made proposals as to the days when liquor shops should be closed. There are proposals for extending the system of the sealed bottle system and about increasing the licensing fee, and so on. These are the measures which are given in detail in the report of the conference, which in the opinion of that body would lead to total abstinence. I therefore do not propose to go into more elaborate details in regard to the measures which will be necessary for bringing about the goal which Government have declared to be their goal and which has also been

[Kunwar Jagdish Prasad.]

asked for by the conference which included the leader of the Swaraj party.

Now, Sir, I come to the question of prohibition. I think honourable members who have spoken before have practically exhausted all the arguments that could be put forward against it.

I should like to deal with one point, which was raised by my honourable friend the leader of the Swaraj party. He said that in the Legislative Assembly a resolution recommending prohibition had been carried and that as in that Assembly there are representative Indians, we should follow the example set by them there. Well, Sir, though the resolution was carried, the view of the Government of India as put forward by Sir Basil Blackett was that it was impossible for that Government to accept a policy of total prohibition. If my honourable friend happened to occupy a seat here and had to carry out the policy which he recommends, the first thing with which he would have to deal with would be the import of foreign liquor over which this Government have no control. Unless the Government of India prohibit the import of foreign liquor into India, it is impossible for the province to carry out a measure of prohibition. Therefore, the first thing, before immediate prohibition could be carried out, would be for the Government of India to prohibit the import of foreign liquor. As they have refused to do so, I think it is impossible for a province to carry out a measure of total prohibition if it is also to apply to foreign liquor. If we were to apply prohibition to country-made liquor only, we shall have to sacrifice a certain amount of legitimate revenue and put it into pockets of smugglers, illicit distillers and foreign manufacturers. That, I think, is one of the vital objections to the policy that has been enunciated in the resolution.

Then, Sir, apart from that question, some honourable members have already shown the other difficulties in carrying out the policy of total prohibition. This is a province which is surrounded on all sides by other provinces which have not carried out that policy. The House is entitled to ask—and it is a very legitimate question to ask—“Is your policy a policy of total abstinence? Is that the goal?” To this the reply is, that that is the goal. I do not say that that policy could mature within five months, three months or two months; but that is the goal towards which we are working. Honourable members may next ask, “What steps have been taken so far? Is your declaration genuine or is it, as my honourable friend from Partabgarh said, merely a device to get out of a tight corner?” Our reply to that question is that, if you will take into account the amount of revenue which we have forgone over fifty lakhs of recurring revenue during the last five years—

**Mr. C. Y. Chintamani :** That was not my question.

**Kunwar Jagdish Prasad :** I do not quite remember if that was the question put by the honourable member. If that was not his question my remarks are still relevant to the discussion.

**Mr. C. Y. Chintamani :** The honourable member said—

**The Hon'ble the President :** I cannot allow this interruption unless the honourable member in possession of the House gives way.

**Kunwar Jagdish Prasad :** I withdraw that portion of my statement in which I said that it was in reply to the question of my honourable friend from Partabgarh. But I am making this statement for the information of the House. They are entitled to ask,—“Is total abstinence the goal of your policy, or is it a mere declaration, without anything behind it. Will you please let us know what steps you have taken towards that goal?” I have just said that within five years we have lost a recurring revenue of over fifty lakhs. There are some critics who may be inclined to say that this loss has not been fully compensated by an equal amount of advance in genuine temperance. However that may be, the loss of revenue is a fact. The House must recognize that ours is the only province in India which has forgone a revenue of over fifty lakhs recurring during the last five years. If you will look at the Punjab or the adjoining provinces, you will find that, while we in this province charge the maximum tariff rate on Indian-made foreign liquor, the Punjab Government, the Madras Government, I believe the Delhi Government and the Burma Government have reduced the rate on foreign liquor to Rs. 17. Then, recently, the Punjab Government have reduced the rate on country liquor. The Punjab Government have an auction system of giving licences. I believe the committee in Bombay which recommended prohibition, said that there should be an auction system. I believe a similar recommendation has been made in Madras also. We, in this province, within two years took a number of measures, the cumulative effect of which has already been described by the honourable minister. This should convince the House that we are in earnest about what we have said to-day. Perhaps we have reached a stage when we should move with caution. It would do no good if to-morrow we were to close a large number of shops and the result is increased illicit distillation by castes like the Pasis in certain Oudh districts and in other places.

It would be no consolation to the House that this disorganized, misrepresented and, in many ways, neglected body of the landlords of this province—

**Mr. O. Y. Chintamani :** In spite of you.

**Kunwar Jagdish Prasad :** should supply all the money in order that the sometimes rash policies initiated by members who probably have not looked at the financial aspect of the question at all may be carried out. I say : Would it be right that a large amount of revenue should be wasted without increasing genuine temperance? If we on this side of the House are a little slow in moving, we know that the demand for extra taxes will fall on those of us who are landlords.

**Mr. O. Y. Chintamani :** Is the Education Secretary speaking as a landlord or as a Secretary to Government? For whom does he stand?

**The Hon'ble Sir Sam O'Donnell :** Sir, are these interruptions in order?

**The Hon'ble the President :** I have said once before that when an honourable member is in possession of the House, no honourable member can stand up and interrupt unless it is by way of a personal explanation and the member speaking gives way.

**Kunwar Jagdish Prasad :** It is we who feel the effects of that policy and therefore it is necessary that we should move with caution. We would not mind that the rest of the fifty lakhs or so of revenue from

[Kunwar Jagdish Prasad.]

liquor should go, but we do not want that the result of it should be merely more illicit distillation and more consumption of foreign liquor.

**Mr. E. A. H. Blunt:** I think it was in 1920 in the old pre-reforms council that, during a discussion on matters of excise between the honourable member for Partabgarh and myself, we came to this conclusion—I believe it was mutual—that though at top I was a Finance Secretary, at bottom I was a temperance reformer. It is in this second capacity that I wish to speak to-day. I do wish to give the House a solemn warning against anything in the shape of total prohibition. Look at the example of America. My honourable friend, Mr. Ahmad Shah, quoted some figures from America. I will criticize these first. The first he gave was the death-rate. There was a decrease of about eight per cent. He suggests that this was entirely due to the fact that America went dry. In that case one can only conclude that half of the total death-rate in the wet period was due to drink. I can only consider that as an undeserved slur on a great and friendly nation. He also referred to the large increase in cars. As a matter of fact they are most not cars but “Fords”, and that increase is due to the business enterprise of Mr. Henry Ford. The increase in house-owners, in the consumption of milk, in scholars, and in school attendance have all occurred since the war, and there is a very good reason why they should have occurred, because since the war America has become nothing less than disgustingly rich. I have a few figures of my own to quote about prohibition in America, and they are official figures. Most members, I imagine, think that America is entirely dry. That is not so. Under the law it is permissible to brew beer and cider, certainly very weak indeed, containing only half of one per cent. of alcohol, but still alcoholic. And the amount of that beer that is consumed can be guessed from the fact that in one single year 4 million gallons of liquor was destroyed as containing too much alcohol. Another method by which one can legitimately get drink in America is on doctors' prescriptions. In one year 1,800,000 gallons of whisky—whisky, mind you,—were prescribed by doctors. I do not suppose that my friend Colonel Tate has prescribed as many drops in his entire life. A third case is a decidedly unpleasant matter—namely, the consumption of sacramental liquor. The consumption in a single year went up by 50 per cent.; and I was told by an American, only a week ago, that when he left Chicago an inquiry was proceeding into an astonishing consumption of 237,000 gallons of sacramental wine, in Chicago alone, in one month. Then comes industrial alcohol. This is denatured: that is to say, it is mixed with some nauseous substance which makes it undrinkable. But the bootleggers get hold of that stuff, redistil it so as to get rid of this substance, and then sells it as drink. And the consumption of that has gone up by 50 per cent. In fact, I was told that there is now more drink and more drinking in America than there was when the country was wet; but the drink is worse. And that is practically the only change that prohibition has made in America. They have changed good liquor for bad.

My friend, Dr. Shafa'at Ahmad Khan quoted the total years of imprisonment awarded in a single year on account of excise offences.

Let me add that there was also 5 million dollars of fines. Incidentally, there were some forty murders of excise officials. An American has told me that the women's vote, by which prohibition was originally passed, is likely to be instrumental in repealing it, because women, unfortunately, have now taken to drink. What is worse is that the cocaine evil is spreading. America had no drug problem before; they have one now. And they do not deal lightly with cocaine vendors. If they catch a big man in that line of business they give him 20 years' imprisonment. But even that has not stopped the evil.

The whole point is simply this. If you prohibit any habit or action, no matter what it is, you definitely challenge the people to do something which they should not do. A drink ceases to be merely a drink, it becomes a sporting effort. Let me quote, in conclusion, a remark made to me by an American friend. "They have thrown a veil over the Statue of Liberty and by so doing have debauched the people."

And now, do you want the same results in this country? Remember, some of them have already occurred. Former drinkers are taking increasingly to hemp drugs and cocaine; and there is a vast amount of illicit distillation. And in this country illicit distillation is fatally easy. The raw material grows everywhere: no more is needed than two bits of bamboo and three earthen pots to make a still. How are you going to stop illicit distillation in these circumstances? In one week there were three cases of illicit distillation on one of the main roads of Allahabad—one in the compound of the Director of Public Instruction, one in the compound of the Chairman of the Improvement Trust, and the third in the compound of the Excise Commissioner.

So much for prohibition. Let me now ask the House to consider another aspect of the problem. Is there really any drink problem at all? The population of this province consumes round about 600,000 gallons of liquor per annum. I estimate that the drinking castes in our province number above 6 million people. Out of this number we must exclude the women, for no man could allow his womenfolk to drink with liquor at its present price; he could not afford it. We must also exclude boys under 15, simply because they would not like it. Now when we have excluded the women who can't get it and the boys who don't like it, we are left with a drinking population of about 2,400,000, which means one gallon to every four or roughly one quart bottle per head per annum. With such figures can it be said that there is any drink problem in the country at all? Four hundred cases of drunkenness were reported last year. There are more cases than that in London in one morning.

The only real abstinence, the only abstinence of any value whatever is voluntary abstinence. You cannot compel people either to stop drinking or to do any other thing they wish to do by forcing them. Sumptuary legislation has always failed. In the old Roman republic a law was once enacted that no woman should wear bright colours. The law was a failure; the women declined to obey it and defeated it by methods of their own. Similarly you cannot stop people drinking. If you want total abstinence there is only one course possible. You must lead, not drive. Prohibition is driving, it is *compulsory* abstinence. And that is the real difference between prohibition and total abstinence in the meaning in which the term has been used to-day. Prohibition means compulsion, and will certainly fail as it has failed all

[Mr. E. A. H. Blunt.]

over the world. Total abstinence is voluntary, and is bound to succeed. What is more, the country is moving towards it. Of that large reduction in consumption—a million gallons or something like it—fully half is due to social uplift. What you want to do is to make that movement stronger, but not quicker. If you try to quicken its pace, you will only impede it. *Festina lente*—Hurry, but slowly.

**The Hon'ble Sir Sam O'Donnell:** If I intervene in this debate at all, it is in the hope of being able to do something to clarify the issues. Since 1920, since the inception of the reforms, when a series of vigorous measures were initiated by the first Minister in charge, greater efforts have been made in this department of excise in this province than in any other province in India. The rate of duty has been immensely increased. The revenue from excise has fallen by over fifty lakhs—a loss we can ill afford, but which we do not grudge—the number of shops has been reduced by 42 per cent. and various other measures, such as the surcharge system and licensing boards, have been taken. There is no other province in India which can show a record like that. And yet, Sir, we were told by several honourable members that nothing whatever had been done by Government. The honourable mover said Government had indulged in empty words. The honourable member from Dehra Dun said something still more strange. I had been under the impression, Sir, that the honourable members of the party to which he belongs looked upon the reserved departments as the weak side of the administration. But it appears that the honourable member for Dehra Dun thinks it is not the reserved departments but the Excise department, a transferred department, which is really the weak side of the administration. Well, Sir, I refrain from pursuing the implications of that statement. It would be fairer to assume that the honourable member was at the moment carried away by the exuberance of his own fiery eloquence.

On the subject of total abstinence it appeared to me that there was a certain amount of wobbling. Some speakers, e.g., the honourable mover and the honourable member for Dehra Dun, seemed to think that total abstinence in their opinion could be at once enforced. The honourable member for Dehra Dun told us that if the province were not ripe for total prohibition at the present moment, that it would never be so. But as their speeches continued a wiser spirit prevailed and towards the end they took on a more moderate and practical tone. They finally ended up by recommending such measures as curtailment of the hours of sale, reducing the number of shops, extending the sealed bottle system, and last of all more frequent meetings of a certain excise committee! These were the measures they recommended! The honourable member for Partabgarh has said he is unable to appreciate the difference between a policy of total prohibition and a policy which works towards total abstinence as its goal. I should have thought that there is a clear distinction in respect at any rate of method and practicability. Under the total prohibition system the sale, manufacture and possession of liquor are penalized. Anyone who sells, manufactures or possesses liquor is subject to severe punishment. Under a policy which aims at total abstinence there are no such penalties. That policy seeks to wean people from a particular habit; it makes it more difficult for them to consume

liquor; it reduces in that way to consumption, and it trusts that in course of time the habit will grow weaker and weaker. I should have thought that that was a clear distinction.

What are the other concrete definite suggestions that have emerged out of the debate? I tried to note them down as the debate proceeded, and apparently these are the only measures suggested.

Local option—on that point the Hon'ble Minister, as far as I understood expressed no opinion whatever—he is willing, however, that the matter should be examined. The other suggestions are that the hours of sale should be curtailed—that I believe has already been done; secondly that the number of shops should be reduced. They have been reduced by 42 per cent. Thirdly, that the sealed bottle system should be extended. It has been extended wherever it was possible to do so. If it has not been extended to all districts, the reason is that there are not enough bottles available. It appears therefore that Government has been doing almost exactly what its critics tell it it ought to do. I conclude, Sir, then that this resolution is really the outcome not of definite concrete grounds for dissatisfaction with the policy of Government, but of impatient idealism. Idealism is a very valuable quality, and it is the salt of life. Without it nothing great can be achieved. But the idealist is apt to overlook the hard realities of which the statesman and administrator must take note. Mr. Blunt referred to a Latin proverb, *festina lente*. I think all ardent reformers should bear it in mind. It means that you will not reach your goal more quickly by trying to force the pace unduly. On the contrary, you are likely to find your progress impeded. To the idealist, to the reformer, the progress made by statesmen is apt to seem slow. But let him remember that though it is slow it is also sure, and that the ground gained is not in any danger of being subsequently lost.

**Raja Jagannath Bakhsh Singh :** Much has been said for and against, and it was about the end of the debate when a peculiar position was created after the speech of the Hon'ble Minister, who at least is supposed to be the chief speaker from the Government side. The honourable member from Partabgarh raised a question, and it was a question of considerable importance to the House. I did not note it down word by word, but as far as I know the meaning of the question is this. The resolution as moved by Hafiz Muhammad Ibrahim wants to speedily bring about the total prohibition of liquor, while the amendment of Dr. Shafa'at Ahmad Khan wants to bring about total abstinence from liquor as speedily as possible. The point raised by the honourable member for Partabgarh is this: If the Government accepts the amendment of Dr. Khan, which wants total abstinence as speedily as possible, where is the difference between the words of the resolution which wants only total prohibition as speedily as possible and the words of the amendment. I understand from the speeches of Mr. Blunt and the Hon'ble the Finance Member that there is a great difference between "total prohibition" and "abstinence," and all the arguments advanced by the Excise Secretary and the Hon'ble the Finance Member were in regard to these two points. But the question raised by the honourable member for Partabgarh still remains unanswered. My friend Kunwar Jagdish Prasad spoke in great excitement when he forgot my constituency, although we have been here for six years. I do not want to create any excitement or heat in this



[Raja Jagannath Bakhsh Singh.]

debate. But I want to say that a question of considerable importance has been raised by the honourable member for Partabgarh, that there is no difference between total prohibition and total abstinence which both the resolution and the amendment want to be attained as speedily as possible; and if the Government has accepted this position as we have heard from the Hon'ble Minister—he did not accept the resolution, but he was prepared to accept the amendment—what are the ways by which it is going to give effect to it? He further questioned: How does Government contemplate to adopt total abstinence as speedily as possible; how does Government differentiate between total prohibition and total abstinence? These are questions which Government have not yet answered, and the House is entitled to know what the Government mean when they accepted the amendment and when they opposed the resolution. The merits and demerits of the resolution have been discussed threadbare, and I do not want to waste the time of the House any more at this fag-end of the day by indulging in the merits or demerits of the question. This is a question of considerable importance to the non-official members as it is to the people of the province. It is a matter of policy, and the Government owe it to the House and the country to explain the point.

**Hafiz Muhammad Ibrahim :** This resolution has been discussed at great length before this House, and as it is getting very late I propose to speak very briefly and refer to certain points. What I have been able to gather from the discussion that has been going on here is this: I say to the evil-doer, "Abandon the evil now." But there are some here who say that let the evil be abandoned some time in future, let it remain here for some time more. I beg to impress upon the members of this House that those who defer the abandonment of evil never abandon it. So my contention is to stop the evil now. That is the experience of centuries.

The amendment was put and the Council divided as below:—

*Ayes, 57 ; Noes, 29.*

*Ayes.*

The Hon'ble Sir Sam O'Donnell.  
The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
The Hon'ble Thakur Rajendra Singh.  
The Hon'ble Nawab Muhammad Yusuf.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Sir Ivo Elliott.  
Mr. P. H. Tillard.  
Mr. H. A. Lane.  
Mr. A. W. Pim.  
Mr. A. W. McNair.  
Khan Bahadur Chaudhri Wajid Hussain.  
Mr. E. L. Norton.  
Mr. F. F. B. Chandler.  
Mr. R. J. S. Dodd.  
Colonel G. Tate.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Khan Bahadur Mr. Masud-ul-Hasan.

Babu Ram Charana.  
Rai Bahadur Lala Shyam Sundar Lal.  
Thakur Pratap Bhan Singh.  
Thakur Bikram Singh.  
Thakur Hukum Singh.  
Raja Kushal Pal Singh.  
Rao Krishna Pal Singh.  
Babu Kishori Prasad.  
Babu Kavendra Narayan Singh.  
Pandit Shri Sadayatan Pande.  
Raja Sri Krishna Dutt Dube.  
Rai Bahadur Babu Abhinandan Prasad.  
Rai Bahadur Chaudhri Jagannath Prasad.  
Rai Bahadur Babu Mohan Lal.  
Maharaj Kumar Major Mahjit Singh.  
Mr. Zahur Ahmad.  
Haji Abdul Qayum.  
Mr. Muhammad Abdul Bari.  
Sa'iyid Tufail Ahmad.  
Khan Bahadur Shaikh Zia-ul-Haq.  
Lieut Nawab Jamshed Ali Khan.  
Nawabzada Muhammad Liaqat Ali Khan.

*Ayes.*

Shaikh Muhammad Habib-ullah.  
 Rai Bahadur Munshi Ambe Prasad.  
 Rai Bahadur Lala Bihari Lal.  
 Raja Shambhu Dayal.  
 Kunwar Bishe-hwar Dayal Seth.  
 Mr. E. M. Souter.  
 Mr. J. P. Srivastava.

Lieut Khan Bahadur Nawabzada Abdus  
 Sami Khan.  
 Shaikh Abdullah.  
 Maulvi Saiyid Habib-ullah.  
 Khan Bahadur Shah Badre Alam.  
 Dr. Shafa'at Ahmad Khan.  
 Khan Bahadur Saiyid Jafar Husain.  
 Khan Bahadur Hakim Mahbub Ali Khan.

*Noes.*

Mr. E. Ahmad Shah.  
 Babu Prag Narayan.  
 Mr. A. P. Dube.  
 Pandit Rahas Bihari Tiwari.  
 Babu Bhagwati Sahai Bedar.  
 Thakur Manjit Singh Rathor.  
 Chaudhri Mangat Singh.  
 Chaudhri Vijai Pal Singh.  
 Pandit Nanak Chand.  
 Lala Nomi Saran.  
 Thakur Sadho Singh.  
 Pandit Brijnandan Prasad Misra.  
 Pandit Bhagwat Narayan Bhargava.  
 Thakur Har Prasad Singh.  
 Babu Uma Shankar.

Pandit Venkatesh Narayan Tiwari.  
 Babu Ganga Prasad Roy.  
 Pandit Govind Ballabh Pant.  
 Pandit Badri Lutt Pande.  
 Raja Raghuraj Singh.  
 Mr. C. Y. Chintamani.  
 Maulvi Zahur-ud din.  
 Hafiz Muhammad Ibrahim.  
 Khawaja Khelil Ahmad Shah.  
 Mr. Muhammad Habib.  
 Rai Bahadur Lala Mathura Prasad Mehro-  
 tra.  
 Raja Jagannath Bakhsh Singh.  
 Rai Bahadur Babu Vikramajit Singh.  
 Pandit Iqbal Narayan Gurtu.

*The resolution as amended was put and adopted.*

*The Council was then adjourned to the following day.*

## APPENDIX A.

*(See page 82 supra.)*

*Statement referred to in the answer to starred question No. 2  
for the Council meeting of January 25, 1927.*

|                 |     |   | <i>By Indian Civil<br/>Service Officers.</i> | <i>By others.</i> |
|-----------------|-----|---|--|-------------------|
| January 1, 1921 | ... | 8 | 15   |                   |
| Do. 1923        | ... | 4 | 19   |                   |
| Do. 1925        | ... | 5 | 18   |                   |
| Do. 1927        | ... | 5 | 17   |                   |

The figures for the Indian Civil Service include two members of the Board of Revenue, the Chief Judge, Oudh Chief Court, and the Chief Accounting Officer created in 1926.

# LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

*Wednesday, January 26, 1927.*

THE Council met in the Council Chamber, Lucknow, at 11 a.m.  
The Hon'ble Rai Bahadur Lala Sita Ram in the Chair.

## PRESENT :

(103)

|   |   |
|---|---|
| The Hon'ble Sir Sam. O'Donnell.                     | Babu Kavendra Narayan Singh.                          |
| The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan. | Pandit Shri Sadayatan Pande.                          |
| The Hon'ble Rai Rajeshwar Bali.                     | Raja Sri Krishna Dutt Dube.                           |
| The Hon'ble Thakur Rajendra Singh.                  | Thakur Shiva Shankar Singh.                           |
| The Hon'ble Nawab Muhammad Yusuf.                   | Rai Bahadur Thakur Hanuman Singh.                     |
| Mr. G. B. Lambert.                                  | Rai Bahadur Babu Abhainandan Prasad.                  |
| Mr. E. A. H. Blunt.                                 | Bhaya Hanumat Prasad Singh.                           |
| Kunwar Jagdish Prasad.                              | Babu Ganga Prasad Roy.                                |
| Sir Ivo Elliott.                                    | Pandit Govind Pallabh Pant.                           |
| Mr. P. H. Tillard.                                  | Pandit Badri Dutt Pande.                              |
| Mr. H. A. Lane.                                     | Mr. Mukandi Lal.                                      |
| Mr. A. W. Pim.                                      | Rai Bahadur Chaudhri Jagannath Prasad.                |
| Mr. A. W. McNair.                                   | Raja Bahadur Bishwanath Saran Singh.                  |
| Khan Bahadur Chaudhri Wajid Husain.                 | Rai Bahadur Babu Mohan Lal.                           |
| Mr. E. L. Norton.                                   | Rai Bahadur Pandit Sankata Prasad Bajpai.             |
| Mr. F. E. R. Channer.                               | Raja Raghuraj Singh.                                  |
| Mr. R. J. S. Dodd.                                  | Maharaj Kumar Major Mahijit Singh.                    |
| Colonel G. Tate.                                    | Kunwar Surendra Pratap Sahi.                          |
| Mr. A. H. Mackenzie.                                | Mr. C. Y. Chintamani.                                 |
| Mr. G. Clarke.                                      | Mr. Zahur Ahmad.                                      |
| Raja Sir Saiyid Abu Jafar.                          | Haji Abdul Qayum.                                     |
| Khan Bahadur Mr. Masud-ul-Hasan.                    | Mr. Muhammad Abdul Bari.                              |
| Mr. H. C. Desanges.                                 | Maulvi Zahur-ud-din.                                  |
| Mr. F. Ahmad Shah.                                  | Saiyid Tufail Ahmad.                                  |
| Babu Ram Charana.                                   | Khan Bahadur Shaikh Zia-ul-Haq.                       |
| Babu Prag Narayan.                                  | Lieut. Nawab Jamshed Ali Khan.                        |
| Babu Ganesh Shankar Vidyarthi.                      | Nawabzada Muhammad Liaqat Ali Khan.                   |
| Mr. A. P. Dube.                                     | Hafiz Muhammad Ibrahim.                               |
| Pandit Rabas Bihari Tiwari.                         | Lieut. Khan Bahadur Nawabzada Abdus Sami Khan.        |
| Rai Bahadur Lala Shyam Sundar Lal.                  | Shaikh Abdullah.                                      |
| Babu Bhagwati Suhai Bedar.                          | Khan Bahadur Hafiz Hidayat Husain.                    |
| Thakur Manjit Singh Rathor.                         | Maulvi Saiyid Habib-ullah.                            |
| Chaudhri Mangat Singh.                              | Khan Bahadur Shah Badre Alam.                         |
| Chaudhri Vijai Pal Singh.                           | Shaikh Ghulam Husain.                                 |
| Pandit Nanak Chand.                                 | Dr. Shafa'at Ahmad Khan.                              |
| Thakur Manak Singh.                                 | Khan Bahadur Saiyid Jafar Husain.                     |
| Thakur Pratap Bhan Singh.                           | Khan Bahadur Shaikh Saiyid Muhammad alias Maiku Mian. |
| Thakur Bikram Singh.                                | Khan Bahadur Hakim Mahbub Ali Khan.                   |
| Thakur Hukum Singh.                                 | Khan Bahadur Maulvi Fasih-ud-din.                     |
| Raja Kushal Pal Singh.                              | Khwaja Khalil Ahmad Shah.                             |
| Rao Krishna Pal Singh.                              | Raja Saiyid Ahmad Ali Khan Alvi.                      |
| Lala Nemi Saran.                                    | Chaudhri Niamat-ullah.                                |
| Chaudhri Badan Singh.                               | Mr. Muhammad Habib.                                   |
| Rao Sahib Kunwar Sardar Singh.                      | Mr. St. George H. S. Jackson.                         |
| Thakur Sadho Singh.                                 | Rai Bahadur Munshi Ambo Prasad.                       |
| Pandit Brijnandan Prasad Misra.                     | Rai Bahadur Lala Mathura Prasad Mehrotra.             |
| Pandit Bhagwat Narayan Bhargava.                    | Raja Shambhu Dayal.                                   |
| Rao Udaibir Singh.                                  | Kunwar Bisheshwar Dayal Seth.                         |
| Thakur Har Prasad Singh.                            | Raja Jagannath Baksh Singh.                           |
| Babu Kishori Prasad.                                | Mr. J. P. Srivastava.                                 |
| Lieut. Raja Durga Narayan Singh.                    | Rai Bahadur Babu Vikramajit Singh.                    |
| Babu Shyam Lal.                                     | Pandit Iqbal Narayan Gurtu.                           |
| Babu Uma Shankar.                                   |   |
| Pandit Venkatesh Narayan Tiwari.                    |   |

## MEMBER SWORN.

Mr. H. C. Desanges.

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KING EDWARD VII MEMORIAL SANATORIUM  
TRUST COMMITTEE.

**The Hon'ble the President :** Election by the non-official members of the Legislative Council of five representatives (not necessarily members of the Legislative Council) to serve on the King Edward VII Memorial Sanatorium Trust Committee.

Two of these non-official members must be members representing the medical profession. I shall therefore ask honourable members first to make nominations for these two non-official members representing the medical profession.

The following nominations were made :—

Dr. Tandan was proposed by Raja Jagannath Bakhsh Singh and seconded by Rai Bahadur Babu Vikramajit Singh.

Dr. Bhupal Singh was proposed by Thakur Manak Singh and seconded by Rai Bahadur Babu Vikramajit Singh.

Dr. Amba Datt Joshi was proposed by Mr. A. P. Dube and seconded by Thakur Manjit Singh Rathor.

Major Ranjit Singh was proposed by Mr. C. Y. Chintamani and seconded by Rai Bahadur Lala Mathura Prasad Mehrotra.

Dr. Naim Ausari was proposed by Khan Bahadur Shah Badre Alam and seconded by Khan Bahadur Mr. Masud-ul-Hasan.

For the non medical seats the following nominations were made :—

Dr. Shafa'at Ahmad Khan and Babu Shambhu Nath of Bhowali were proposed by Mr. Zahur Ahmad and seconded by Khan Bahadur Saiyid Jafar Husain.

Maulvi Saiyid Habib-ullah was proposed by Mr. Zahur Ahmad and seconded by Rai Bahadur Babu Mohan Lal.

Rai Bahadur Thakur Hanuman Singh was proposed by Rai Bahadur Babu Vikramajit Singh and seconded by Pandit Nanak Chand.

Pandit Badri Dutt Pande was proposed by Babu Bhagwati Sahai Bedar and seconded by Babu Nemi Saran.

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ELECTION OF THREE REPRESENTATIVES TO SERVE  
ON THE BOARD OF INDUSTRIES.

Rai Bahadur Babu Vikramajit Singh was proposed by Pandit Nanak Chand and seconded by Raja Jagannath Bakhsh Singh.

Rai Bahadur Babu Mohan Lal, Khan Bahadur Maulvi Fasih-ud-din and Pandit Bhagwat Narayan Bhargava were proposed by Mr. Zahur Ahmad and seconded by Dr. Shafa'at Ahmad Khan.

Babu Prag Narayan was proposed by Raja Jagannath Bakhsh Singh and seconded by Rai Bahadur Babu Vikramajit Singh.

Rai Bahadur Chaudhri Jagannath Prasad was proposed by Babu Shyam Lal and seconded by Rai Bahadur Babu Vikramajit Singh.

Kunwar Bisheshwar Dayal Seth was proposed by Mr. E. Ahmad Shah and seconded by Rai Bahadur Lala Shyam Sundar Lal.

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ELECTION OF FOUR NON-OFFICIAL MEMBERS OF THE LEGISLATIVE COUNCIL TO SERVE ON THE IRRIGATION BOARD.

Pandit Shri Sadayatan Pande, Thakur Hukum Singh, Babu Shyam Lal and Raja Saiyid Ahmad Ali Khan Alvi were proposed by Mr. Zahur Ahmad and seconded by Khan Bahadur Saiyid Jafar Husain.

Rai Bahadur Babu Vikramajit Singh was proposed by Rai Sahib Lala Jagdish Prasad and seconded by Pandit Nanak Chand.

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ELECTION BY THE NON-OFFICIAL MEMBERS OF THE LEGISLATIVE COUNCIL OF THE THREE MEMBERS TO SERVE ON THE BOARD OF PUBLIC HEALTH.

Mr. Zahur Ahmad, Thakur Shiva Shankar Singh and Babu Sampurnanand were proposed by Dr. Shafa'at Ahmad Khan and seconded by Rai Bahadur Babu Mohan Lal.

Pandit Venkatesh Narayan Tiwari was proposed by Raja Jagannath Bakhsh Singh and seconded by Pandit Nanak Chand.

Rai Bahadur Thakur Hanuman Singh was proposed by Lieut. Raja Durga Narayan Singh and seconded by Babu Bhagwati Sahai Bedar.

Pandit Rahas Bihari Tiwari was proposed by Thakur Shiva Shanker Singh and seconded by Pandit Shri Sadayatan Pande.

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ELECTION BY THE NON-OFFICIAL MEMBERS OF THE LEGISLATIVE COUNCIL OF FOUR MEMBERS TO SERVE ON THE FOREST ADVISORY BOARD.

Pandit Govind Ballabh Pant, Maharaj Kumar Major Mahijit Singh, Shaikh Ghulam Husain and Rai Bahadur Munshi Ambe Prasad were proposed by Mr. Zahur Ahmad and seconded by Khan Bahadur Saiyid Jafar Husain.

Mr. J. P. Srivastava and Pandit Sankata Prasad Bajpai were proposed by Rai Bahadur Babu Vikramajit Singh and seconded by Thakur Shiva Shankar Singh.

Pandit Badri Dutt Pande was proposed by Pandit Govind Ballabh Pant and seconded by Pandit Nanak Chand.

Pandit Govind Ballabh Pant withdrew his own name.

Thakur Har Prasad Singh was proposed by Babu Bhagwati Sahai Bedar and seconded by Chaudhri Badan Singh.

## ELECTION BY THE NON-OFFICIAL MEMBERS OF THE LEGISLATIVE COUNCIL OF FIVE MEMBERS TO SERVE ON THE COURT OF THE ALLAHABAD UNIVERSITY.

Babu Kishori Prasad, Mr. Anandi Prasad Dube, Khan Bahadur Saiyid Jafar Husain, Rai Bahadur Lala Mathura Prasad Mehrotra and Khan Bahadur Shah Badre Alam were proposed by Mr. Zahur Ahmad and seconded by Maharaj Kunwar Major Mahijit Singh.

Mr. Ahmad Shah was proposed by Pandit Nauak Chand and seconded by Babu Bhagwati Sahai Bedar.

Rai Bahadur Babu Mohan Lal was proposed by Dr. Shafa'at Ahmad Khan and seconded by Rai Bahadur Chaudhri Jagannath Prasad.

Babu Shyam Lal was proposed by Rai Bahadur Chaudhri Jagannath Prasad and seconded by Babu Kishori Prasad.

Khan Bahadur Saiyid Muhammad was proposed by Khan Bahadur Maulvi Fasih-ud-din, but was not willing to act.

Kunwar Bisheshwar Dayal Seth was proposed by Raja Shambhu Dayal and seconded by Raja Jagannath Bakhsh Singh.

Thakur Manjit Singh Rathor was proposed by Thakur Manak Singh and seconded by Rai Bahadur Babu Vikramajit Singh.

Vote were taken on these various proposals and whilst the results were being worked out the next item on the agenda of the day was called on.

## RESOLUTIONS.

### RESOLUTION *re* A NOTIFICATION IN THE EDUCATION DEPARTMENT.

**Mr. C. Y. Chintamani:** I beg to move—

"That this Council recommends to the Governor acting with his Ministers to rescind Education department notification No. A-428/XV—619-1921, dated December 22, 1926."

Unashamed I stand here as the unfortunate representative of the Pasi of Partabgarh, deriving what comfort I may from the reflection that it is not all Indians who can enjoy the favoured position of representing, as the Government Whip worthily does, the constituency for which he sits in this Chamber.

**Bhaiya Hanumat Prasad Singh:** The honourable member is not audible on this side of the House.

**The Hon'ble the President:** He will soon be audible.

**Mr. C. Y. Chintamani:** I further seek consolation from the thought that, so far as the subject-matter of this resolution goes, it will not be easy for even that honourable member to make out that I am calling the tune and asking him to pay the piper. I am not so very ignorant of the constitution nor so very arrogant as to flatter myself that anybody on this side can venture to call the tune and ask him to pay the piper.

Coming to the resolution, I wish to express my genuine regret that it should have become necessary for me to move a resolution embodying disapproval of any act of Government in the department which is presided over by my esteemed friend the Hon'ble Minister for Education. I can assure him that we here have no feeling but that of cordial goodwill

towards him and that we watch his efforts as Minister with sympathy and appreciation. And I trust that the criticism that I shall be bound to utter will not be interpreted by him as being in any manner a reflection upon him, for, Sir, nothing is farther from my thoughts.

The notification which by this resolution I suggest should be rescinded was published in the *Government Gazette* of December 25, 1926. It is dated December 22, 1926. It reads :—

“ In supersession of this department notification No. A-217/XV—519-1921, dated July 10, 1926, Dr. P. P. Phillips, Professor, Thomason College, Roorkee, in the Indian Educational Service, is promoted to the junior selection grade on Rs. 1,250—50—1,500 per mensem with effect from January 11, 1925.”

The notification which is superseded by this notification was published in the *Gazette* of July 11, 1925, and dated the previous day. It is “ Rai Bahadur Abhay Charan Mukerji, M.A., Secretary, Board of High School and Intermediate Education, United Provinces, in the Indian Educational Service, is promoted to the junior selection grade of Rs. 1,250 - 50 - 1,500 per mensem with effect from January 11, 1925, *vice* Mr. E. A. Radford, retired.”

It will be noticed from this that the vacancy to which Mr. Abhay Charan Mukerji was appointed in July, 1925, occurred in January of that year and that it was after full six months of deliberation that the Government decided, and published their decision, to make the appointment notified. And it was eighteen months thereafter that the notification was rescinded. Before proceeding further I wish to give the Council the assurance that it is not the personal aspect of the two notifications that interests me most. If it were merely the case of Mr. Abhay Charan Mukerji *versus* Dr. Phillips, the matter might still interest us, but its interest would be less public than personal and there would not be sufficient justification for a non-official member to ask the Legislative Council to give its time to a consideration of the proposition. It is the impersonal, the public issues that are raised by these notifications that are of prime importance and it is to them I wish to ask the Council's attention chiefly.

A reference to the United Provinces Civil List corrected up to January 1, 1921, would show that the scale of selection posts in the Indian Educational Service was fixed at 15 per cent. of the cadre for junior selection grades and 5 per cent. of the cadre for senior selection grades, making a total 20 per cent. On that date (January 1, 1921,) the cadre consisted of 38 posts, 34 out of the 38 being actually filled and four being vacant. The number of selection grades therefore was six—two senior and four junior. Only one of the 34 officers was a promoted United Provinces Educational Service officer. The selection grades were given to Messrs. Tipple, Mulvany, Burrell, Durack, Radford and Mackenzie. Mr. Tipple, though a senior officer, was not given a senior selection grade until the year 1924. I stress this point in order to show that it is not always, it is not often, that seniority is considered to be the most important consideration in filling up selection posts. A further fact which points to the same conclusion is that among those who obtained selection posts at that time was Mr. Mackenzie, who joined the service in the year 1908 but was still given a selection grade before three of his seniors, Messrs. Randle, Rust and Richardson. The cadre was raised from 38 to 49 with effect from February 5, 1921. This



[Mr. C. Y. Chintamani.]

is shown by a reference to the Civil List of October, 1921. This increase of the cadre from 38 to 49 was due to the transfer of eleven posts from the United Provinces Educational Service to the Indian Educational Service. It is the transfer of posts, it is not a mere case of the promotion of individual officers. These eleven posts were those of Principal, Training College, five inspectors of schools, they being Messrs. Kichlu, Haidar Hasan, Abdul Hasan, Zutshi and Hardie, one professor of English, Muir Central College, Mr. Abhay Charan Mukerji, one Principal, Sanskrit College, Benares, Dr. Ganganatha Jha, one professor of Mathematics, Muir Central College, one professor of Sanskrit in the same college, and one professor of Botany in the same college.

It is of interest and significance that I should here point out the circumstances relating to the last three places, the professorships of Mathematics, Sanskrit and Botany. These places were vacant, and in spite of their being vacant they were declared converted to the Indian Educational Service and the cadre was raised. The professorship of Mathematics and the professorship of Sanskrit were subsequently filled by direct recruitment by the appointment of Professor Banerji and Dr. Acharya. The professorship of Botany continued to be held by an officer of the United Provinces Educational Service; it remained vacant in the Indian Educational Service. This circumstance leads to the conclusion that it is posts the duties of which were considered to be similar to or identical with the duties performed by officers of the Indian Educational Service which were converted. Where the individual incumbents were not considered personally fit for promotion to the Indian Educational Service the posts were shown as vacant. It was a double test of the suitability of the post and the fitness of the individual.

The Civil List of October, 1921, shows six selection posts.

Now I come to the year 1922. Consequent on the increase of cadre due to the conversion of these posts the selection grades were increased from six to nine and consequent financial provision was made in the budget for 1922-23. The increase was clearly due exclusively to the conversion of United Provinces Educational Service posts into Indian Educational Service and the promotion of United Provinces Educational Service officers. If these officers of the United Provinces Educational Service had not been appointed to the Indian Educational Service, the number of selection grades would have remained what it had been and some of the officers who have since been promoted would have gone without that promotion. These three additional selection grades were given to Messrs. Randle, Rust and Richardson. By January, 1923, one selection grade was rendered vacant by the appointment of Mr. Mackenzie as Director of Public Instruction and that place was given to Mr. Kichlu. Subsequently another vacancy arose owing to the retirement of Mr. Mulvany. With effect from August 24, 1924, Mr. Dunn was given a selection grade. A further vacancy arose on January 11, 1925, by the retirement of Professor Radford. It was to that vacancy that Mr. Abhay Charan Mukerji was appointed in the July of that year and it was that appointment which has since been withdrawn by the notification dated December 22 last and gazetted on December 25. What the financial effect of the two notifications was could be seen by a reference to the Civil Lists. If you take the Civil List of any month of 1926 you would find that the pay of Mr. Mukerji was Rs. 1,300, but you take the Civil List of January, 1927, and you would find his pay shown as Rs. 1,050. The increase of Rs. 250 which was given to him in

July, 1925, with retrospective effect from January, 1925, and enjoyed by him until December, 1926, was withdrawn in the later month with retrospective effect and in consequence his salary has been reduced from Rs. 1,300 to Rs. 1,050.

The cadre of the Indian Educational Service now consists of 42 posts. Of them, however, only 29 are actually filled and 13 are vacant or shown as vacant. As the cadre fell from 49 to 42 the selection posts fell from 9 to 8. These 8 are filled by 7 Europeans, all of them direct recruits, and one Indian, a promoted United Provinces Educational Service officer. The Indian officers of the Indian Educational Service include direct recruits also, but all of them persons appointed in recent years; the first of them in the year 1919, another in 1920, two in 1921 and 2 in 1922. Of the 29 posts of the Indian Educational Service now actually filled, 17 are held by Europeans and 12 by Indians. These 12 include the direct recruits as well as the promoted men, but out of 17 Europeans 7 hold selection posts, while out of 12 Indians only one holds it—the second of them having been lately deprived of it. The second Indian who was given the position has been deprived of it in order that that post might be given to Dr. Phillips. A reference to the Civil List shows that after Dr. Phillips in order of seniority come Messrs. Wall, Harrop, Moody, Wetherill, Simpson, Tinker and Weir. They were appointed between the years 1910 and 1917. For the seven Europeans who now fill selection posts the successors are the seven I have named in order of seniority, the first Indian, Indian Educational Service officer, appointed by direct recruitment having only been selected in 1919 and no officer of the United Provinces Educational Service having been promoted before the year 1921. If, therefore, seniority should be the only or the chief criterion the Council may take it that not for many years to come will any Indian in the Indian Educational Service, who was a direct recruit, should hope to get a selection post, and that no single officer who was promoted from the United Provinces Educational Service would ever get it. For what are the facts? The seven officers who in order of seniority may take the place of the seven who now have the selection posts will not be due to retire, respectively, until the years 1935, 1937, 1938, 1931, 1936, 1933 and 1939. My study of the ages of the officers as given in this official publication, History of Services of Gazetted Officers, shows that only one of these seven may retire at a date which will permit some one Indian to get the place. Of the Indians appointed by direct recruitment, if Dr. Nil Ratan Dhar, the seniormost among them will get the post in 1931, he will not be due to retire until 1947. But the promoted United Provinces Educational Service officers will have to retire respectively in 1929, 1934, 1937, 1938, 1933 and 1931. I wish to impress upon the minds of honourable members the conclusion that follows from a study of these facts and figures. It is that if for posts which are designated selection grades seniority is to be the determining consideration, not one of the United Provinces Educational Service officers can aspire for any of those positions. It may as well be said to them: "All hope abandon, ye who enter here."

Now the question arises, whether the test that should determine promotion to a selection grade or selection post is seniority or merit. By the very definition of the term selection grade or selection post one understands that it is not a matter of routine promotion, it is a matter of selection. There was a time when I was somewhat familiar with the

[Mr. C. Y. Chintamani.]

criteria that determine these selection appointments and unless my memory has hopelessly betrayed me, unless the meagre study of public affairs of which I have been capable has led me terribly astray, I think I shall be borne out by honourable members sitting opposite when I state that the test of promotion to a selection grade is outstanding merit and not seniority. Given any other test, there is no meaning in the phrase selection grade or selection post. I do not say that the consideration of seniority should be discarded. Of course, given a senior man and a junior man between whom, from the point of view of merit, there is almost nothing to choose, it would be injustice if the senior man were passed over in favour of the junior man; beyond this the consideration of seniority ought not to be allowed to prevail, and I doubt if it is always allowed to prevail by Government in making these appointments. Now, if you come to merit, you have to read with regard to Mr. Abhay Charan Mukerji these two pages of the History of Services of Gazetted Officers. Mr. Mukerji was appointed an officer of the United Provinces Educational Service in 1902. He was substantively promoted to the Indian Educational Service in 1921. If he was appointed only to the United Provinces Educational Service it was because he could not be appointed to anything better, as appointments to the Indian Educational Service were made only in England and not even a J. C. Bose or a P. C. Roy could aspire to be anything but the provincial service. It was after an agitation of nearly twenty years had achieved partial success and when certain posts in the provincial service were converted into Indian Educational Service posts that the Local Government were called upon by higher authority to make recommendations for promotion, and Mr. Mukerji was one of the first batch of provincial service officers who were selected. But in the interval of 19 years, between 1902 and 1921, his merit was recognized by the Government by his officiating promotion to the Indian Educational Service on no fewer than eleven occasions and for an aggregate period of nearly ten years. This does not count for seniority in the Indian Educational Service. Honourable members opposite may spare themselves the trouble to enlighten me upon that point. I concede to them that, technically, this does not make for seniority in the Indian Educational Service. But when merit and seniority ought to be the determining consideration it is relevant to argue that an officer whom though in the provincial service you considered fit for promotion to the superior service on no fewer than eleven occasions and for an aggregate period of nearly ten years, and whom you considered worthy of being given a substantive promotion the very day you were enabled to give such promotion to any of those officers, cannot be dismissed as being an officer ineligible on the ground of merit. It was in 1921 that Mr. Mukerji was selected by the Government for recommendation to His Excellency the Viceroy as an officer of the Education Service meritorious enough to receive a title, and when the Board of Intermediate and High School Education was constituted it was this officer whom the Government singled out as the best available person to organize that board under the direction of its chairman the Director of Public Instruction. It was this officer whom the Government selected to be the secretary, I believe I am right, of the committee to determine the details of the Agra University Scheme. It was this same officer whom less than a year ago the Government selected to fill the place

of an expert member of the last Legislative Council in order to assist them in the passing of that Bill through the Council. So far as the record of the officer goes, I am sure it will be conceded on all hands that there is nothing in it to merit the treatment which the second notification, that of December, 1926, has meted out to him. If seniority were to be the determining consideration, I should like to know how many of the honourable members there would have been here. I am not permitted to refer to one who is not here, but I may, if he will permit me to do so, refer to my old friend the Finance Member. I may point to the two Members of the Board of Revenue. Coming to the Education department itself, I should like to know whether the Director of Public Instruction would be here or would still have to be the Principal of the Training College or an inspector of schools if seniority were the only consideration. There is one vacancy now among selection grades caused by the retirement of Mr. Burrell. If in December, 1920, Government wanted to recognize the merits of Dr. Phillips by promoting him to a selection grade, I wonder why it did not strike them to give that vacancy to him instead of going out of their way to notify publicly that Mr. Mukerji has been deprived, eighteen months after he was gazetted, and deprived with retrospective effect, from January 11, 1925, of what had been given to him in July, 1925. This further circumstance leads one to the conclusion that the intention is to ignore these promoted men—these promoted men but for whose promotion there would not have been this increase in the number of selection grade posts, these promoted men but for whose existence in the Indian Educational Service the number of selection grade appointments would have been smaller and several of those who have got them would not have got them. So that the promotion of these United Provinces Educational Service officers has only been a convenience to the Indian Educational Service officers appointed direct from England. By reason of the conversion of these United Provinces Educational Service posts into Indian Educational Service posts these men have been able to get a better position. The Council will remember that the one United Provinces Educational Service officer who obtained promotion and continues to enjoy it, Mr. Kichlu, had not all plain sailing. When he was given the selection grade there was such a hue and cry. When I read in my sick-bed at Vizagapatam the memorandum of the European Government Servants' Association before the Lee Commission I thought that I must have been guilty of a very unpardonable crime in doing what I did. Let me here say in grateful recognition that the Director of Public Instruction in his evidence before that Commission courageously and nobly stood by the act which the Local Government did. The agitation at that time against Mr. Kichlu's promotion failed. A similar agitation arose on the second occasion when the Government had the temerity to recognize an Indian officer's merit and this time it has succeeded. The cadre of the Indian Educational Service has been reduced from 49 to 42, but actually only 29 posts are filled. In this Civil List 13 posts are shown as vacant; and out of these 29 posts there are eight selection grade posts. I do not know why 13 posts continue to be shown as vacant. At least eight of them should have been abolished, seven professorships of Muir Central College and Queen's College—the Queen's College has become an Intermediate College and the Muir Central College has been handed over to the University—and yet the seven professorships continue to be shown as vacant and the post of additional inspector of schools, Kumaun division,

[Mr. C. Y. Chintamani.]

continues to be shown as vacant. This also should have been declared abolished.

The inspectorships of Fyzabad and Jhansi have not been filled for some time. Leaving them aside, even if you confine yourselves to the professorships and the additional inspectorship of Kumaun, the cadre should have been reduced and the number of selection grade posts should have been decreased. But it continues to be kept up in order that there may be this standing, living mockery of United Provinces Educational Service promoted men in the service, in order that men who have been directly recruited may continue to have a larger number than they are entitled to. The issue therefore is one of United Provinces Educational Service promoted men *versus* Indian Educational Service direct recruits. These promoted men do not correspond to the holders of listed posts in the Indian Civil Service. They are full members of the Indian Educational Service, as their posts have been converted into Indian Educational Service. It is the occupants of these posts who are considered to be personally worthy of promotion and it is they who are promoted. Therefore they are entitled to the privileges to which direct recruits are entitled.

It is an issue which is racial as well. I regret to say that I have to raise the racial issue. I remember, Sir, the admonition given to me by a distinguished gentleman some time ago when he expressed a wish that no issue directly or indirectly involving any racial consideration were ever raised in the Council. But it can only be the wish of the Haves against the Have-nots. I can understand Europeans being disinclined to raise racial issues. Why should they? So far as the services go, they have more than their fair share of the good things. It is the Have-nots who are compelled to raise this question and have to face the invidiousness and unpleasantness of raising such an issue.

In giving a vote on this proposition I respectfully wish the Council to bear in mind firstly, that I am not making an attack upon the honourable member who occupies the position of Minister of Education. I repeat the assurance I have given that it is not a motion intended to cast any reflexion upon him. It may be that he is the victim of circumstances. It may not be. If he is the victim of circumstances our sympathy goes out to him and our vote, if it should happen to be an adverse vote, will be understood by him not to be a vote adverse to him personally. This is at the best. But if the facts are not as I surmise, then at the worst I hope he will treat it as a mere difference of opinion and as nothing worse. I wish the Council to bear in mind that it is not a motion of personal reflexion against anyone upon which they are called upon to vote, that it is not merely a matter of the personal interest of Mr. Abhay Charan Mukerji or any other gentleman, but that it is an issue involving important policy and principles; that it is an issue which involves racial considerations Europeans *versus* Indians; that it is an issue the determination of which will settle the fate, so far as the selection grades are concerned, of all those United Provinces Educational Service officers who now hold posts in the Indian Educational Service.

**The Hon'ble Rai Rajeshwar Bali:** It may save the trend of the debate on the resolution from drifting into wrong channels if I make a statement at the early stage. I propose to mention a few facts which will explain the circumstances under which a junior selection grade post was first

offered to Rai Bahadur A. C. Mukerji, then taken away from him, and later on given to Dr. Phillips. Even at the risk of repeating some of the facts which have just been mentioned by the honourable mover of the resolution I would like in the beginning to explain to the House the peculiar constitution of the Indian Educational Service.

Previous to the year 1919, there used to be two higher services in the Education department which were theoretically parallel in status. The difference between the Indian Educational Service and the Provincial Education Service was a difference in salaries and places of recruitment; the one being recruited in Europe and the other in India. But in practice the Provincial Educational Service drifted into a position of inferiority—a fact which was prominently brought to the notice of the Islington Commission of 1912. As has been pointed out by the honourable mover, on the recommendations of this Commission the Secretary of State agreed, in 1919, to re-classify the posts; and to convert those provincial service posts into Indian Educational Service ones in which the duties performed by their incumbents were of a similar nature. As a result of this, eight Provincial Educational Service officers were transferred into the Indian Educational Service cadre from February 4, 1921, and they were placed junior to the original members in the gradation list. Thus the Indian Educational Service at present consists of two classes of officers, namely, the original members who were recruited up to 1920; and the provincial service members imported in 1921 and placed junior to the original members.

I shall now come to the circumstances under which the junior selection grade post was given to Mr. Mukerji. Except in cases where selection grades go with certain particular posts, it is a matter of common procedure, as much in the Education department as in others, that in making selections for such posts officers of a certain standing alone are eligible for consideration. Therefore, when a junior selection grade post fell vacant in 1925 at the retirement of Mr. Radford, the Government had to consider, in the first place, whether, as a matter of principle, the promoted members of the Indian Educational Service were eligible for consideration or not. This, again, depended on two considerations—firstly, were the provincial service officers to be regarded as promoted to the Indian Educational Service or were they to be regarded as merely transferred to the Indian Educational Service and secondly, was the service rendered by them in the provincial service to be taken into account or not? Obviously, if these officers were to be regarded as promoted to the Indian Educational Service, they could not be considered eligible for selection. Therefore this Government decided that so far as seniority was an element in making these officers eligible for consideration for such posts, the service which these officers had rendered in the cadre of Provincial Educational Service previous to their transfer to the Indian Educational Service, should also be taken into account. In deciding this, we particularly bore in mind two facts, namely, (1) that, as I have said before, the Provincial and the Indian Educational Services were previously intended to be parallel services, and (2) that the best qualified Indians of that period could not in the educational line find entrance into any other but the Provincial Educational Service. We therefore decided as a matter of general principle that we shall at the time of making selections for such posts hold the balance even between these two classes of officers, namely, between the original and the imported members of the Indian Educational Service. On the basis of this assumption, we proceeded, in this particular instance, to examine the claims of the promoted officers. Mr. Mukerji was the second on

[The Hon'ble Rai Rajeshwar Bali.]

the list as Mr. Kichlu had already got a selection grade post. We considered him fit and we appointed him to this junior selection grade post. On this, most of the original members of the Indian Educational Service sent memorials to His Excellency the Governor for reconsideration of this decision. His Excellency the Governor rejected these memorials and upheld the decision of his Government. Then, these officers memorialised the Government of India, who however took a different view. They held that whatever might have been the original intention, the disparity between the two service had ceased to exist and that these imported officers should be considered as promoted from an inferior to a superior service. They ruled that seniority of every officer in the Indian Educational Service dates from the time of appointment to that service. This ruling has been further endorsed by the Secretary of State, and this practice has been invariably followed in all other provinces in the past. They further pointed out that when selection grade posts were created in 1919, they were primarily intended to benefit the existing members of the Indian Educational Service of long and approved service whose grievances in the matter of pay and allowances were recognized by the Public Services Commission in 1912. They invited us to reconsider our orders in this light and desired that a copy of this Government's decision may be forwarded to them. Accordingly, we revised the orders and appointed Dr. Phillips to the selection grade post. I wish to point out to the honourable members of this House that we intended to see that, so far as the personal ease of Mr. Mukerji was concerned, he should not be allowed to suffer as far as possible. We have written off the extra salary which he has drawn during this period and other proposals for remedying the hardship are under the consideration of the Government.

To those of our critics who think that an injustice has been done to the imported members of the Indian Educational Service, because of want of sufficient alertness on our part to watch their interests, I would say that if we had not wished to hold the scales even between the two classes of officers, it is quite possible that this controversy would not have risen at all today. Senior officers of acknowledged merit generally get the selection grade posts in every department and their cases pass on without provoking any considerable notice. There would have been no excitement today if we had not attempted to hold the scales even two years back. But rules are rules and have to be followed. We have to remember that we are in the midst of a transitional stage in many matters and that in adjusting conflicting claims illogicalities are bound to occur. It is no wonder if we all wish that the terms of recruitment and the conditions of service of all the services working in the provinces—the more so those operating in the transferred departments—should be under the entire control of the provincial Legislature; but every one of us who allow their salaries to pass on as non-votable items, admits indirectly the control of a superior authority.

But all future recruitment to all services working in the transferred departments except the Indian Medical Service has been stopped and very soon we shall see provincial services installed in their places, which will be under the complete control of this House. Therefore, our satisfaction is that the desired goal is within sight. Bearing all these facts in mind, I hope the House will see the position of the Government and not press the resolution.

**Pandit Iqbal Narayan Gurtu:** We are thankful to the Hon'ble Minister for Education for throwing a little light on the subject, although

I must confess that with all his efforts I am still in a state of considerable darkness. I need not repeat the assurance given by my honourable friend the member for Partabgarh that those of us who find ourselves in the unfortunate position today of criticizing the administration of the department which is presided over by the Education Minister, do not by any manner of means suggest that he has been at the bottom of this injustice. Again, I assure him that any criticisms that may be made in the debate today will not be directed against him personally. I may, however, be permitted to point out that the non-official members of this House have to safeguard the interests of Indians, and it is their sacred duty that they must stand up and voice their grievances. The explanation that the Hon'ble Minister has given makes it clear that the issue lies between what he is pleased to call the "imported" members of the Indian Educational Service, (by which he means the members of the provincial service) and the "original" members of the Indian Educational Service: who were really imported into this country. Well, I do not wish to fight over words, but the fact of the matter remains that the real question involved is the just claims of the imported members of the Indian Educational Service against the vested interests of the "indigenous" members of that service. Well, Sir, the Hon'ble Minister himself said that when these eight posts were added, the idea at that time was that the provincial service posts were simply converted into Indian Educational Service posts, not that the individuals were promoted to posts in the higher service. In fact it is on account of this addition that the Indian Educational Service people were able to claim a higher number of selection grade posts. My honourable friend the member for Partabgarh has clearly shown how, on account of these additions, the original holders of posts in the Indian Educational Service gained a clear advantage. If these eight officers incorporated into the Indian Educational Service Code were considered really as imported cases, why was that number included in the full cadre and the advantage given to the "indigenous" members of the Indian Educational Service? Now, it is really a case of kicking down the ladder by which they have climbed. The European members of the Indian Educational Service have benefited to this extent, that the number of selection grade has been increased by the presence of these eight officers. But now, they are told :— "You are something alien; you cannot be considered to belong to our service, but if you have come in, we will get the fullest advantage of it and we shall claim a larger number of selection grade and keep you out of it." Sir, it is indeed blowing hot and cold in the same breath. How were the "indigenous" members (I will call the Europeans indigenous because the Indians are "imported")—how were they entitled to claim this increase in the selection grade on the basis of a "foreign" element? If they have availed themselves of the advantage, then my submission is that the status of these eight members is just as much as that of any other officer. Sir, I do resent any decision of the Government of India on this point, and it seems to me all the more the bounden duty of the members of this Council now to raise their voice unanimously against this tyranny of a higher authority. Sir, even before the announcement was made by the Hon'ble Minister some of us had a shrewd suspicion that there was some other hand pulling the strings from behind. There is a saying in Urdu :—"Koi mashuq hai is parda-i-zangari men," i.e., there is some hidden beauty behind the dark screen. We have



[Pandit Iqbal Narayan Gurtu.]

got a faint glimpse now of that hidden beauty. We were in quest of that beauty and now we are reminded of that famous couplet "Khub parda hai ki chilman se lage baithe ho, saf chhipe bhi nahin, samne ate bhi nahin," i.e., what a curious parda it is that you are sitting so near the thin screen that you are neither invisible nor would you come out in the open. It is a strange irony of the constitution under which we are working, that an authority outside the grasp of the Provincial Council forces from behind safely from a distance. Sir, the issue, before the Council is this: Will they, merely on the ground of sentiment that the department is in charge of a Minister whom they personally value and whose services they highly appreciate, allow themselves to remain silent and abstain from doing their duty to the province and to the injured officers and let the Government of India tyrannize over the transferred departments? These are times when we have vigilantly to watch the workings of the constitution, and wherever we find that the constitution is defective, wherever we find that it is possible for some other authority to upset the decisions of the Ministers, there, I say, we should stand as one man, non-officials as well as officials: I am sure that officials have the same keen sense of self-respect as the non-officials have. I say, let the non-officials and officials join hands together and stand against this tyranny of an outside authority. I therefore think that there should be no difference of opinion on this matter in this Council today. It is no consolation to be told that this particular officer Mr. Mukerji will not have to return any money, or that his own personal interests will not be allowed to suffer. Probably the Government has thought out some method by which a sop to Mr. Mukerji's wounded feelings could be offered. Probably it may be in some manner in which my honourable friend from Partabgarh suggested. Possibly he may be given the post that has fallen vacant after the retirement of Mr. Burrell. But I forget again the decision of the Government of India. I am not quite sure whether that can be done. I am afraid it will not be done. The Hon'ble Minister said, we are now stepping into a brighter day; now there is no more Indian Educational Service, now we shall have Indians in these services in future because recruitment to the Indian Educational Service has been stopped. Well, I am thinking what will happen to those poor Indians who are now in the Indian Educational Service and by whose presence the indigenous members of the Indian Educational Service have derived advantage. Most of them will be in their graves and a good many of them will have retired. As my honourable friend from Partabgarh has shown, there is absolutely no chance for these poor individuals to get into the selection grade. Are we to allow this condition of things, or are we to stand by them? It does take the heart out of a man when he finds that it is on no ground of inferior merit that he has not been allowed promotion, but simply because the powers that be interpret rules differently at different times. Are we to allow our Indian officers to remain in that position of uncertainty, because this position of uncertainty certainly morally affects the officers? When we look into the evidence that was given before the Lee Commission we find that witness after witness went before that Commission and said that the European services were getting demoralized because they did not know where they stood. Does it ever occur to the Government now what the effect of these things is on the Indian officers? They are just as much human beings as the European

officers &c. Does Government really prefer these Indian officers to know that, although they have been placed in the higher service, although their merits are just as good as the merits of European officers, yet because a foreign higher authority sends down a fiat that the Local Government must upset its decision, therefore the Local Government is bound to do so. I think the honourable members on the other side of the House should feel thankful to the non-official members when they raise this question and protest against this interference from without. What is the good of our getting this reformed constitution, these transferred departments, and so on, where Ministers are simply tied hand and foot and forced to upset their own decisions? Of course my friend the Hon'ble Minister for Education with his usual generosity has been good enough to say that he had changed his own decision: but reading between the lines we, who have some experience of how things go on inside the Government, know on whom the responsibility rests, and I have absolutely no doubt that he felt his hand forced when he rescinded his own previous orders. Under the circumstances I think we shall be strengthening the hands of our Ministers if on questions like this we unanimously protest against this sort of outside interference and I would beg the Council to take this aspect of the question into consideration. It is not that, if we vote for the resolution that has been so ably moved by my honourable friend the member for Partabgarh, we would thereby cast any reflection on the Hon'ble Minister or in any way embarrass him. On the contrary, I feel that we shall be strengthening his influence in the counsels of Government. Today it is one order that has been upset and tomorrow there may be another order. Are we going to perpetuate such injustice by putting up with it in connexion with a matter which concerns the department under my honourable friend the Minister for Education?

**Dr. Shafa'at Ahmad Khan:** I have no desire to enter into the constitutional aspect of this question. That has been dealt with by my honourable friends Mr. Chintamani and Mr. Gurtu. But I should like to bring to the notice of this honourable body the effect of this order on the teaching profession and upon members of Government service. The honourable members know that a devoted, industrious, and intelligent member of Indian Educational Service, Mr. Abhay Charan Mukerji, has after two years been superseded and will be compelled, technically at any rate, to pay back the amount which he has drawn during that interval. Well, Sir, the effect of this measure would be that every person in government service, whether it be the Education department, whether it be the Agricultural department, whether it be the department of Co-operative Societies, would feel that his position would be insecure if he desired promotion solely on the test and on the basis of merit. Sir, the Government service has got many faults. I do not say it is perfect in every respect; I do not believe that any Government can make it so; still it must be said that the service has many attractions for brilliant men, who value the security of tenure and who believe in the promises of promotion on merit. I know the Government are helpless under section 45 of the Government of India Act and they cannot do anything else but carry out the orders of the Government of India. If the Government of India ask and order the Local Government to do a certain thing, the Local Government must carry it out. Well Sir, if the Local Government becomes an anathema to brilliant men, the result would be that only those persons

[Dr. Shafa'at Ahmad Khan.]

will enter the Government service, who have neither capacity nor ability to perform their duties satisfactorily.

The second effect of this will be, Sir, that the value of the promises of Government, the solemn public promises, will be lessened. A young man enters Government service and works hard for his life with the expectation and prospect of promotion by merit alone, and not by mere seniority, to higher service. That has been done in the past in the Indian Civil Service, in the Indian Educational Service, and in the Indian Agricultural Service. If the claims of those persons were neglected who devote their best ability and energy to the service of the Government, the result would be that a number of other persons, who are brilliant men, in the provincial services who look forward to promotion by merit, will be discouraged and that red-tapism and routine will become general. The result will be deterioration in our public life, deterioration in the administration, deterioration in the performance of legitimate duties efficiently.

Now, Sir, we have been informed by Mr. Chintamani that the number of persons promoted to the Indian Educational Service in 1919 and 1920 was eight. I have some experience both of the members of the Indian Educational Service and of the Provincial Educational Service. I have got at the present time one member of the Indian Educational Service and a member of the Provincial Educational Service working under me. I do not wish to draw any invidious distinctions between the two services; I have no desire to compare the relative merits or demerits of the two services. The Indian Educational Service, it cannot be denied, has produced some very brilliant men; it has produced good scholars and good administrators, but I can say without any fear of contradiction that the Indian Educational Service has not proved a great success. This is borne out by the report of the Public Service Commission. So from the point of view of merit, from point of view of efficiency, I can see no difference between the two services. Sometimes the merits of the Provincial Educational Service men are much higher. Take the eight gentlemen promoted to the Indian Educational Service in 1919 and 1920. Among these eight persons we find the name of Dr. Ganganath Jha. Dr. Jha who had been more than twenty years, I think 25 years, in the Provincial Educational Service, was promoted to the Indian Educational Service as an act of grace in 1919 or 1920. By that time he had made his mark in the scholastic world. He had published a series of works which placed him at the head and in the forefront of scholars of Oriental learning.

Then take Mr. Abhay Charan Mukerji. His qualifications have been detailed by Mr. Chintamani. I have no desire at this stage to repeat them, but I as one who knows him personally and has worked with him on more than one committee can say that he is in no way inferior to the senior men in the Indian Educational Service; in some respects he is much better. In pure administrative work, in the scholarly knowledge of his subject, English language and literature, he is certainly the best man in these provinces. At the present time many of the members of the Provincial Educational Service are performing exactly the same duties in the reorganized Allahabad University as the Indian Educational Service men used to do in the Muir Central College, before 1920 and nobody can say that there has been any deterioration in the standard of

the Allahabad University. On the other hand we have received tributes from various quarters; we have received recognition of the merit of work done in the new university from various sources. I therefore conclude that, so far as quality is concerned, so far as the work performed by the Provincial Educational Service is concerned, it is in no way inferior to the work of the Indian Educational Service men.

**Shaikh Abdullah :** It is difficult for us laymen to enter into the merits or demerits of the question. There are many technical things in it which cannot be grasped on the spur of the moment, but, so far as the facts related by my honourable friend from Partabgarh go, they make it quite clear that we should side with him. There is no doubt that the case of Mr. Mukerji has been treated rather harshly.

After the explanation given by the Hon'ble Minister for Education, we should sympathize with him and the Local Government rather than pass a vote of censure against them.

[Raja Jagannath Bakhsh Singh and other honourable members :  
"There is no vote of censure."]

**Shaikh Abdullah :** As there were many excuses on the part of my honourable friend from Partabgarh who moved the resolution that the Hon'ble Minister should not take it that they were passing any reflection against him, I thought this was a reflection, but when a vote of censure is not intended, my humble submission is that we should in some way approve the act of the Local Government because now we are assured that the Local Government made the selection and His Excellency himself approved of it. When the Local Government have been overruled by the Imperial Government as well as by the Secretary of State, we have got nothing to say against this Government but we have our complaint against the Imperial Government and the Secretary of State who have deprived a gentleman of tried merits of his promotion and prospects.

**Rai Bahadur Babu Mohan Lal :** I do not stand up to recapitulate all the arguments that have been advanced by the honourable member for Partabgarh or by Pandit Iqbal Narayan Gurtu. I simply stand up to show to the House that we all appreciate the value of the resolution moved by the honourable mover. I have no more facts or figures to throw more light on the resolution, but certainly I have got my own opinion to put before the House in order to show my appreciation of the resolution. If the selection is to be made like this, then the promotion of the Provincial Educational Service men to the Indian Educational Service is useless. My submission is that the promoted Provincial Educational Service men as suggested by Mr. Gurtu should be treated as if they were originally on the list of the Indian Educational Service and if this promotion is genuine, then the Provincial Educational Service men should be regarded as having been in the superior service from the very beginning. If that be the case, I do not see any reason why Mr. Mukerji is being reverted to the grade from which he was promoted. Then, I should congratulate the Hon'ble Minister for the view he took of the affair when he was not in any way influenced by any other element than his own self. This thing should not be allowed to be interfered with by other authorities who have nothing to

[Rai Bahadur Babu Mohan Lal.]

do with the business of our province. He should have full control over the business of our province and by moving this resolution and by voting for this resolution we shall be strengthening the hands of our Minister in these matters. Therefore my submission to the House is this, that we should not take this resolution as if it is intended to throw reflection on the work of our Hon'ble Minister but on the light that the resolution is being moved because an important issue is involved in it, and by accepting this resolution we shall be strengthening the hands of our Minister so that higher authorities which have nothing to do with the internal affairs of our administration should not interfere like this.

**Khan Bahadur Hafiz Hidayat Husain :** I rise to support the resolution moved by my honourable friend the member for Partabgarh. I do so, Sir, not because I think that the explanation given by the Hon'ble Minister is not satisfactory so far as it goes, but because I think that the issue raised by the honourable member for Partabgarh is one which affects the services now and which will affect the services in future. Sir, the question raised as has been very aptly put by my friend the honourable member for the Allahabad University, is the question affecting the relationship between the indigenous members of the services and those that are imported from England. If a position like the one that has been created now is to occur again and I do think that it may so occur, then I think that the same process will be repeated, with the net result that the members placed in the position of Mr. Mukerji's will never get into the junior selection grade. I have no doubt that if Indian members of the Indian Education Service are to be treated like this, it will discourage them from further prosecuting their work in that loyal, zealous, and efficient manner in which they have been so far doing. Sir, it should be perfectly understood, as has been repeatedly said by several members who have preceded me, that I do not share the view of my friend the member for Farrukhabad when he says that if this resolution is carried, it will be something like casting reflection on the Hon'ble Minister. We are grateful to the Hon'ble Minister for what he has done, but there is one thing that I should like to know. Has he so far, or has he not, protested on behalf of his Government to the Government of India for the action that that Government has taken? If he has not, then I think that we cannot congratulate him for his omission and I hope that he will now forward the proceedings of this debate to the Government of India as evidence of the protest from all the non-official members of this Council for the action that that Government has taken. I further hope that this Government will emphasize and will impress upon the Government of India that matters of transferred departments which are entirely in the hands of this Legislature shall not in future be dealt with so lightly, for it will not be tolerated by this Legislature. I hope that in this constitutional matter our expectations of the Hon'ble Minister will be realized and that he will stand up for the rights of this legislature.

The question between Mr. Mukerji and Dr. Phillips does not remain. Mr. Mukerji will be compensated by this Government, as the Hon'ble Minister says he will be, but we in this Legislature want to safeguard in future the interests of the services. I hope that, in future, the members who are serving in the transferred departments will not be treated in the

way in which Mr. Mukerji has been. With these words I support the resolution moved by my honourable friend the member for Partabgarh.

**Raja Jagannath Bakhsh Singh :** The speech made by the Hon'ble Minister for Education in reply to the resolution that is under debate does not make the situation quite clear. The Hon'ble Minister has said that, as far as I understood his speech, that the Government of India and the Secretary of State . . .

**The Hon'ble Rai Rajeshwar Bali :** Not the Secretary of State.

**Raja Jagannath Bakhsh Singh :** The Hon'ble Minister corrects me that the Government of India only asked the Local Government to reconsider the case from a certain point of view, and that this Government after consideration, or after agreeing with the point of view of the Government of India has rescinded this resolution. I do not say they agreed with the Government of India, but that in compliance with the wishes of the Government of India the Local Government has rescinded this notification. We all know that the decisions of the Government of India on service appeals—I speak subject to correction—are final. Now this Government should make it clear as to whether in this case it was a decision of the Government of India on the appeal of a certain person concerned or that the Government of India merely conveyed their view to this Government and that this Government in compliance with that view, although that view was not compulsory or binding, rescinded the notification. This is a very vital point as far as I can make out, and I stood up earlier to point out to the Government that this question requires an answer. As for the importance of the case I need not add anything on that question. I would not quote the comprehensive and very strong speech of the mover, but I would say that from the reply of the Government, from the speech of the Hon'ble Minister it has been made clear that under these circumstances promoted men are never to get a selection post in the Indian Educational Service. I do not say he directly used these words, but what I infer from his speech is this conclusion. At least he said, as far as I remember, that promoted men are not eligible for the selection grade. So it is not the non-official speeches but the speech, the chief speech, on behalf of the Government, that the resolution derives its strength and we are made to see how necessary it is for us to support this resolution. It has also been made quite clear that it is not a censure on the Local Government, but certainly, Sir, it is as it should be our strong protest, and I hope that the honourable members will strongly support the resolution.

*Council here adjourned for three-quarters of an hour.*

*After the recess, the Deputy President took the Chair.*

**The Deputy President :** It would be highly ungrateful on my part and I would not be human if I did not thank you very heartily for the honour you have done me. Up to this time I had only one master to serve, my constituency. By electing me as Deputy President you have appointed another master over me, and that master is the Council, you members of this Council. I will try to serve my constituency as an advocate, and I will try to serve the Council as a judge. You have taken away from

[The Deputy President.]

me part of my freedom, but I hope you will excuse me if I exercise my right of private member when I am on the floor of the House. I assure you that when I do exercise this right it will be done with dignity and moderation. I shall follow the example of Mr. Rangachariya—Deputy President of the Assembly—when I am on the floor; I shall follow my chief, and Mr. Patel when in the Chair. I thank those members who congratulated me yesterday. I thank them for the tribute paid to me. I take it not as a tribute to me but as a tribute to an Indian. I consider it an honour done to the nation to which I belong. Yes, you have taken away part of my freedom and thrust upon me a new responsibility. I fear, as an individual member I was likely to be irresponsible in some ways. Now with this new responsibility upon me I will try to work for my constituency as an advocate and for you as a judge in a responsible manner and try to prove that one individual Indian when he is advocating the cause of his nation can behave like an advocate and fight for his clients and discharge his duty as a judge impartially and judicially when he is adjudicating and treat every group of the members of this House with equal justice. I would like to thank the Government benches also because I believe though their heads were turned another way their hearts were in my direction. Had it not been so they would have not walked up to the ballot box so slowly and in such a lethargic manner, and but for their benevolent inactivity, perhaps, I would have not been in the Chair. I thank His Excellency also for having approved of your decision to elect me your Deputy President, and I thank you all for the honour you have done me, and I will make an earnest endeavour to be worthy of your confidence and honour you have done me.

**Khan Bahadur Maulvi Fasih-ud-din :** It is with feelings of genuine pleasure and satisfaction that I rise to give my whole-hearted support to this resolution. I do so not in a spirit of racialism, not even in the spirit of setting one class of service against another, but I do so in the name of better treatment of the Provincial Services which are nicknamed as pariah services; I do so in the name of all that is fair and just in this world, in the name of humanity. I think that it is one of the strangest freaks of administration to promote a certain officer to a higher grade and then after 18 months, which is double the period required by a mother to give birth to a child, while he is comfortably sitting in his drawing room or while he is plodding through his files in his office room, to send a thundering letter to him to tell him that he is reverted to his original post. I think that a very strong case has been made out by the honourable mover of this resolution in one of his ablest speeches delivered on the floor of this House. It is really a very sad mistake on the part of not only the Government of India, but on the part of those who are responsible for rescinding the order, unless it is clearly stated that it was not an advice from the Government of India but that it was a sort of direction from that Government. The resolution in question raises a very important issue about the fundamental principle of the promotion of the members of the Provincial Services to the higher services. It is but fair that the period which has been spent by a member of the Provincial Service as a member of that service should be counted towards the service to which

he is promoted, and if this rule were not to be adopted then it would be impossible for any Provincial Service officer to rise to any higher grade in the Imperial Service after getting promotion to that service. I therefore think that it is up to the Council to pass this resolution unanimously.

**Rai Bahadur Lala Mathura Prasad Mehrotra:** If I intervene at this hour in the debate it is not to detain the House for any length of time, but to try to elicit answers at least of so many questions that were put during the course of the learned speech of the honourable mover. I have not to add anything new to what he and the honourable member for the Allahabad University have so ably said. It was indeed very magnanimous on the part of the Hon'ble Minister of Education to have got up early and assured the House that Mr. Mukerji would not suffer any loss so far as his emoluments were concerned. But I would like to know whether the excess pay that he has drawn for the last 18 months will alone be written off or he will get Rs. 1,300 inst ad of Rs. 1,050 in future. Then, Sir, I would like to hear something about the criterion on which men are promoted from the Provincial Service to the Indian Educational Service in the selection grade. This is a mystery to us, as has already been pointed out by the mover of the resolution. I would further like to hear the line of defence that my honourable friend the Director of Public Instruction and the honourable Education Secretary will take. It was usual with these gentlemen to get up early and put their view point before the Council. But in this case I find that they are quite silent. We will be very glad to hear them soon so that the debate may be cut short, as I find that it is the unanimous wish of the House to pass this resolution.

**Maharaj Kumar Major Mahijit Singh:** I wish to say a few words in support of this resolution. A lot has already been said in favour of it, and I am not wishing to encroach upon the valuable time of this Council, so shall try to be as brief as possible. That a wrong has been done to Mr. Mukerji is undisputed. The Hon'ble Minister of Education has been good enough to assure this House that he will be responsible to see that Mr. Mukerji shall suffer no monetary loss. That assurance has pleased this House considerably. But is that sufficient? Should not the wrong that has been done to Mr. Mukerji be redressed? We the Legislature here have no power to redress the wrong. The only power we have to do so is by supporting the resolution of the honourable mover. The honourable mover has said that this is a racial question. I do not agree with him. I say that this is not a racial question but an imperial one. By moving this resolution and by supporting it some people may think that we are moving a motion of censure against the Imperial Government. I say, Sir, that by supporting the resolution we are most respectfully bringing to the notice of the Imperial Government that we, the Legislature in these provinces, do not agree and will not tolerate any interference from them with regard to affairs that concern our provinces.

Sir, there is one piece of information I would like to elicit from my honourable friend the Minister of Education, and it is this: When the matter came back to the Local Government for reconsideration, on what grounds did the Governor acting with his Ministers reverse his previous



[Maharaj Kumar Major Mahijit Singh.]

decision? Who was to blame if Mr. Mukerji was taken into the selection grade when he should not have been? Certainly not him. And therefore it wasn't fair for him that he should have been asked to vacate it on a reduced pay after a period of one and a half years. In the circumstances I will appeal to all the members of this House, whether official or non-official, elected or nominated, to follow the dictates of their conscience by lending their whole-hearted support to the resolution of my honourable friend Mr. Chintamani.

**Pandit Govind Ballabh Pant :** I rise to support the resolution. I join with those who have said that it does not imply a vote of censure on the Government, but I do so for different reasons. Votes of censure are passed by people who are united, who have a sense of self-respect and who know how to give effect to their wishes, if the Government do not show any signs of repentance or penitence. The present occasion is too solemn for a vain exhibition of hollow self-complacency, or mere wordy onslaughts. The Hon'ble Minister has my hearty sympathy. I am not surprised that his efforts have proved futile. He essayed an impossible task when he attempted to hold the scales even between the imported and the indigenous members of the educational service. The question of all questions in this country is, how to hold the scales even between the imported and the indigenous members? That is the one question which has been confronting every politically-minded Indian in this land from the beginning of our contest for the attainment of our political rights. And who have succeeded? Men abler and stronger than the Hon'ble Minister were vanquished. If the Hon'ble Minister has found himself unequal to the task, he has our sympathy. He has however rendered at least one public service. He has reminded us—if there are any amongst us who can in any way manage to forget—how we stand and how difficult it is even for a member of the Government to hold the scales even between the imported and indigenous members in the existing system of administration. The irony of the expression serves to bring prominently before our mind the unnatural and perverted order of things in our country today. In his language who are the imported? It is you and I. And who are the indigenous? It is those who control the destiny of this land, occupy the foremost place in every field and monopolise all posts of power and pelf.

**The Hon'ble Rai Rajeshwar Bali :** I want to make a personal explanation. When I used the word "imported" I meant the promoted members of the United Provinces Educational Service. I did not wish to use the word "promoted," because I never agreed that the members were promoted. In fact their posts were converted into the Indian Educational Service. It was in order to avoid the word "promoted" that I used the word "imported." I had no intention to give it the meaning which the honourable member has given to it. I never tried to use it as against indigenous members of the Indian Educational Service.

**Pandit Govind Ballabh Pant :** There are occasions when even the members of Government get nervous, and this seems to be one. The Hon'ble Minister need not have suspected that I ever understood his word as meaning anything else than what he meant. I said that it was

an irony of Providence that he used the word "imported" in order to indicate what in ordinary parlance cannot possibly be interpreted in that sense. I knew that it was out of regard for the exactitude of the technical language that he used that expression and that he meant thereby the Indian members of the Provincial Service who, as he thought, had been absorbed in the Indian Educational Service.

**The Hon'ble Rai Rajeshwar Bali :** All of them were not Indians—some of them were Europeans.

**Pandit Govind Ballabh Pant :** How many?

**The Hon'ble Rai Rajeshwar Bali :** One or two.

In the list of the Provincial Service officers there were probably not many more than two non-Indians and it is no wonder that both of them were transferred at the earliest available opportunity to the congenial cadre of their own countrymen in the Indian Educational Service. Sir, this is, as I said, a very difficult question. I will not recite all that has been said by the honourable member for Partabgarh in an inimitable style. What I find is this, that there were two services at a time, the members of which carried on the same duties, discharged the same functions, and held similar responsibilities. One of them had the disadvantage of being born in this country, while others were imported into this country from outside, using the word imported in the sense in which it is found in the dictionary. Thus, though the work done by them was exactly similar, but, because of larger emoluments, as the Hon'ble Minister said, and better privileges, they were classified under a different head and were known as the Indian Educational Service, which did not include a single Indian up to the year 1919. There were two parallel services divided from each other on the basis of colour. After that an arrangement was made by virtue of which some members of the Provincial Service were absorbed in the Indian Educational Service. Simultaneously with that the number of selection posts was raised in the latter. Subsequently the number of persons actually on the list of the Indian Educational Service went down but the number of selection posts was not reduced. One member of the Provincial Service, who had been imported into the Indian Educational Service, was given a lift to the selection grade in similar circumstances by a strong man under propitious and favourable times, when perhaps Mr. Montagu was there as Secretary of State, and he succeeded in that attempt. Similar effort was made recently by the Hon'ble Minister for Education but in spite of all the tenderness and regard that those in power proclaim for the order to which he belonged, he did not succeed in this case, because he behaved like a common commoner. And he finds that after a lapse of about two years the thing which he had done deliberately is turned down. As honourable members are aware, under the instructions that were issued for the working of this constitution the duty was specially imposed on His Excellency the Governor to look after the interests of the European members of the Imperial Services. As the Hon'ble Minister told us, the appointment of Mr. Mukerji to the selection grade was approved by His Excellency and the memorial of the European officers was rejected by him. All this was, however, of no avail and the unanimous decision of His Excellency and his

[The Hon'ble Rai Rajeshwar Bali.]

Ministers was upset on the ground of Dr. Phillips' seniority in service. In view of the facts mentioned by the honourable mover of this resolution and briefly stated by me it is obviously unfair to apply any rigid rule of seniority to this matter as the circumstances are of an unusual and complicated nature. But even in calculating seniority the total period of service must be taken into account. I will just refer to one or two matters which have not been clearly placed before the honourable members. Dr. Phillips joined the service on October 7, 1904, and he was appointed to the Indian Educational Service on October 7, 1909, while Mr. Abhay Charan Mukerji joined the service on April 4, 1902, and though he could not be admitted to the conclave, the sacred conclave, of the Indian Educational Service up to February 5, 1921, he had been serving in it off and on from 1906 onwards, so that his acquaintance even with the Indian Educational Service dates from a date earlier than that of Dr. Phillips, and if we take the total period of service into account Mr. Mukerji has about two and a half years more to his credit. The doors of the Indian Educational Service were closed against Indians of the calibre of Sir Jagdish Chandra Bose and Dr. P. C. Ray and it was because of this racial bar that Mr. Mukerji was not confirmed in it in 1909 though he had been officiating occasionally since 1906, and Dr. Phillips got the post. But now when the Hon'ble Minister is in a position to consider matters more rationally, comprehensively, and impartially, taking into account all those factors which should determine the decision where selection posts are concerned, the decision of the man on the spot who is the pivot of the administration in this country and who is the best judge of the suitability of a person for a selection post is reversed and down comes the verdict rolling from Simla, trampling everybody down, saying: "My rule is different and it must be carried."

**The Deputy President:** The honourable member's time is almost up.

**Pandit Govind Ballabh Pant:** In these circumstances I am sorry that it is not possible for me to deal with the question in the manner that I wanted, but before I sit down I beg to make a few remarks. We have never been unconscious of the farcical character of the present system of administration and if the Hon'ble Minister will learn a lesson even now, it is never too late; it is best for him to get out of the uncomfortable position. It is a hybrid system under which he has no power to control his own services, his orders are subject to revision, and he possesses neither freedom of action nor power of initiative. Here is a lesson which those who have still an open mind can learn. Suppose the Hon'ble Minister had gone out of his way and had done what another Minister did in the de la Fosse case, and had given up his position, what would have followed? Somebody else would have come in merrily to take his place, and, if lacking in intellect, he would have resorted to other political manoeuvres to secure his position. I think probably I have outstepped the bounds of my time.

**The Deputy President:** Yes, you have.

**Pandit Govind Ballabh Pant:** I give my whole-hearted support to this resolution, and I hope it will be carried unanimously by the House, the Government not opposing it.

**Mr. O. Y. Chintamani :**

*(During this speech the Hon'ble the President resumed the Chair.)*

Ten speeches have been delivered upon this resolution, besides my own and the Hon'ble Minister's, and all the ten honourable members who have taken part in the discussion have expressed the one identical view that it is impossible for them to support the action that has been taken. The Hon'ble Minister in his speech explained to us that those alone were eligible for the selection grade who had put in a certain amount of service in the Indian Educational Service, and that if the previous service in the Provincial Service of the promoted officers was not to be taken into account, they could not come within the range of selection. I have noted his exact words. He said: "They could not come within the range of selection." He stressed this by the further observation: "They would not be eligible for consideration," i.e., unless their service in the Provincial Service was also taken into account. The Local Government took the view that this could be done, and they came to the conclusion: "We considered Mr. Mukerji fit." But apparently it has been held by higher authority that those men, again to quote from the Hon'ble Minister's speech, "promoted from an inferior to a superior service" could not have the advantage of having their previous service reckoned for purposes of seniority. He further stated: "Selection grades were primarily intended to benefit the original members of the service. On this account we revised the order and appointed Dr. Phillips." It is clear from this that I was not very far wrong in the surmise I made in my opening speech that the Hon'ble Minister was the victim of circumstances.

I express my respectful sympathy to him, but we, in a position of greater freedom and less responsibility than the Hon'ble Minister, are not under the same obligation under which he is of obeying mandates and it is our duty to assert the injustice, the intolerable injustice, of this view taken by the Government of India, and to show by our vote, as honourable members have shown by their speeches, that we resent their decision, and that every time similar action is taken by them, we shall show our resentment in the same manner, as we cannot show it in any stronger manner.

Much play has been made with the word "imported." Of course, the Hon'ble Minister meant, as he has explained, "imported into the Indian Educational Service," but as he used that word, my mind irresistibly went back to a memorable debate in the House of Lords when it was proposed by Lord Morley to appoint for the first time an Indian as a member of the Governor General's Executive Council. Without having anything to say against the merits of Mr. Sinha, as Lord Sinha then was, a former Viceroy, Lord Lansdowne, then the leader of the Conservative Party in the House of Lords, stood in his place and said that he must protest against the introduction of a foreign element into the Government of India, the foreign element being the Indian element. It throws a flood of fierce light upon the situation that poor Indians appointed to an *Indian* Educational Service have to be described by an Hon'ble *Indian* Minister anxious not to be guilty of any terminological inexactitude as "imported" men. The Hon'ble Minister's speech has made it clear beyond the slightest doubt that I was right in my statement that the meaning of the notification of

[Mr. C. Y. Chintamani.]

December last is that those Indians whose Provincial Service posts were converted into Indian Educational Service posts and who were afterwards "imported" into the Indian Educational Service should abandon for all time, all of them and every one of them should abandon for all time, the most distant hope of having their merits recognized and seeing justice done to them by getting into the selection grade. That is the meaning, the unmistakable, the challenging, the defiant meaning of the order of the Government of India, and if against such an order a Council with a large majority of elected Indian members is not to record an uncompromising protest, we may as well return to our homes. I entirely agreed with my honourable friend the Minister when he said that if he had not in the first instance made an honest and earnest effort to adjust the claims of the "imported" men and the original members, if he had not considered Mr. Mukerji fit and given the promotion to him, this discussion would never have arisen at all. He is quite right. I say in all sincerity: "All honour to him for having made that attempt and for having succeeded in the attempt up to a point," and we owe it to him that, because he made that attempt and because the result of that attempt was published in the Gazette and the effect of that success was revealed in the quarterly Civil List until the end of 1926, we are now in a position to see the inwardness of things, to see in what manner, in what oblique manner, the Government of India are trying, have been trying, to prevent even elementary justice being done either to Hindu or Muhammadan or Christian members of the Provincial Service "imported" into the Indian Service. The Hon'ble Minister has reassured us that Mr. Abhay Charan Mukerji will not have to refund the amount—according to my amateur calculation it comes to about Rs. 5,667—which he had drawn by virtue of this abortive promotion to the selection grade. He further said: "Other proposals for remedying the hardship are under consideration." He has not chosen to throw any light upon the nature of these other proposals under contemplation. There is a very obvious remedy, one simple proposal, open to the Government, which has been pointed out by my honourable friend the member for Allahabad University. There is now another vacancy. I said that that vacancy could have been given to Dr. Phillips; the Government did not do so; they went out of their way to deprive Mr. Mukerji of what they had given to him in order to give it to Dr. Phillips. But will they now give it to Mr. Mukerji? Will they now give to Mr. Mukerji the vacancy that has been caused by the retirement of Mr. Burrell, some hardship having already been removed by the decision to write off the amount that had been paid to Mr. Mukerji during the time he was in the selection grade? I do not know if the Hon'ble Minister, if he chooses to exercise his right of having the last word in the debate, will be in a position to tell us that this vacancy will be given to Mr. Mukerji. If he will do that, I on my part shall ask the leave of the Council to withdraw this resolution, for the meaning of the decision to give that vacancy to Mr. Mukerji will be that other members of the service finding themselves in the same position as Mr. Mukerji can have some hope of justice in the future. Sir, you will remember that once in the House of Commons a very great meaning was given to a shake of the head on the part of Mr. Lloyd George. Standing here, I see significant shaking of heads on the opposite side. The meaning I read into that shaking is that they will not be able to give it to Mr. Mukerji. I speak subject to correction. (The speaker paused.) If

my interpretation of that nod of the head is correct, the compensation Mr. Mukerji is to get will be in some other form. Who knows—he now holds the post of Secretary to the Board of High School and Intermediate Education; that post is not in the cadre of the Indian Educational Service; any man, even a man like me, is eligible for the post; they may say they will remove the post from the cadre—no, they need not remove it from the cadre; it is not in the cadre. They may say: “We will attach a personal pay to that post.” The Civil List now shows that Mr. Mukerji gets Rs. 1,050 as salary plus Rs. 150 as allowance attached to the post of Secretary, total Rs. 1,200, and they may say he will get another Rs. 200—they may say Rs. 200 or Rs. 250—they may say they will fix the pay of the post at Rs. 1,450 or whatever might be the figure, in order that he might draw as Secretary all that he was drawing until December 22, 1926. If they have in mind any such idea, it comes to this: Dr. Phillips will be satisfied; Mr. Mukerji will be satisfied; our own sense of this personal injustice will be satisfied; we can take the sting off the position. But at whose expense? It will be the practice of generosity at other people's expense. There is a still small being, rarely remembered on Government benches, called the tax-payer. I would not ask my honourable friends who have supported this proposition to deflect from their path of duty by this solatium which it is proposed to offer to Mr. Mukerji after the public humiliation he has suffered.

The honorable member for Bahraich, the Maharaj Kumar of Kapurthala, whose support of this resolution I particularly value, has said that it is not a racial, but an imperial question. I gladly accept that emendation of my statement. It is truly an imperial question in the sense that the relations between different races living in the Empire and owing a common allegiance should be determined on the basis of justice so that they may live as equal fellow-subjects, as equal citizens, enjoying equal rights and accepting equal obligations. In that sense it is an imperial question. But the word “imperialism” in that sense is found seldom acceptable to those whose political complexion is that of the Government in this country.

The Hon'ble Minister in the concluding passages of his very conciliatory speech has reminded us that rules are rules; that we are in a transitory stage; that conflicting claims have to be adjusted; and that as there is to be provincialization of the service in future, we would have to accept things as they are. I am not here to dot the i's and cross the t's of these most excellent commonplaces, and I wish to say that if we are to pass from this transitional stage to a stage which promises greater stability, if we are to get rules which are on the face of them unfair and unjust amended into rules that can be accepted by self-respecting men, if we are to reach that future stage when small controversies like the present one will not have to trouble us, we shall only do so by a continuous struggle against the forces of reaction and injustice. We shall not reach that stage if we are to accept in a philosophic spirit, foreign to the dust and strife of the political arena, injustices and inequities that are now perpetrated. If we are today what we are, if we have attained even the present hybrid constitution, it is because of past struggles; and if we are to move from this plane to a higher and more tolerable and more comfortable plane of political development, when we in India shall be what every

[Mr. C. Y. Chintamani.]

people in their own country ought to be, that will only be by our manly assertion of our rights and not by acquiescence in wrong-doing.

To conclude what I have to say, if the Hon'ble Minister can get up and say that the existing vacancy will be given to Mr. Mukerji after the writing off of the refund, I shall read into that statement a deeper meaning satisfactory to us from the point of view of the assertion of the principles for which we stand and I shall withdraw the resolution. If he is unable to do that, no amount of personal compensation that may be given to Mr. Mukerji will or can be accepted by those who think with me as a substitute for justice. It cannot be accepted as the undoing of a wrong, and therefore we shall proceed to division in order to record our protest against what the Government of India have forced upon an innocent and unsuspecting Minister.

**The Hon'ble the President :** The question is that the following resolution which has been moved by Mr. C. Y. Chintamani be adopted :—

"That this Council recommends to the Governor acting with his Ministers to rescind Education department notification No. S-428/XV—519-1926, dated December 22, 1926."

*Council divided as below : Ayes, 77 ; Noes, 24.*

*Ayes.*

Mr. H. C. Desanges.  
Mr. E. Ahmad Shah.  
Babu Prag Narayan.  
Babu Ganesh Shankar Vidyarthi.  
Mr. A. P. Dube.  
Pandit Rahas Bihari Tiwari.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
Chaudhri Vijai Pal Singh.  
Pandit Nanak Chand.  
Thakur Manak Singh.  
Thakur Pratap Bhan Singh.  
Thakur Bikram Singh.  
Thakur Hukum Singh.  
Raja Kushal Pal Singh.  
Rao Krishna Pal Singh.  
Lala Nemi Saran.  
Chaudhri Baden Singh.  
Rao Sabib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Pandit Brijnandan Prasad Misra.  
Pandit Bhagwat Narayan Bhargava.  
Rao Udaibir Singh.  
Thakur Har Prasad Singh.  
Babu Kishori Prasad.  
Lieut. Raja Durga Narayan Singh.  
Babu Shyam Lal.  
Babu Uma Shankar.  
Pandit Venkatesh Narayan Tewari.  
Babu Kavendra Narayan Singh.  
Pandit Shri Sadayatan Pande.  
Raja Sri Krishna Dutt Dube.  
Thakur Shiva Shankar Singh.  
Rai Bahadur Thakur Hanuman Singh.  
Rai Bahadur Babu Abhinandan Prasad.  
Bhaya Hanumat Prasad Singh.  
Babu Ganga Prasad Roy.  
Pandit Govind Ballabh Pant.  
Pandit Badri Dutt Pande.  
Mr. Mukandi Lal.

Raja Bahadur Bishwanath Saran Singh.  
Rai Bahadur Babu Mohan Lal.  
Rai Bahadur Pandit Sankata Prasad Bajpai.  
Raja Raghuraj Singh.  
Maharaj Kumar Major Mahijit Singh.  
Kunwar Surendra Pratap Sahi  
Mr. O. Y. Chintamani.  
Mr. Zahur Ahmad.  
Haji Abdul Qayum.  
Mr. Muhammad Abdul Bari.  
Maulvi Zahur-ud-din.  
Khan Bahadur Shaikh Zia-ul-Haq.  
Lieut. Nawab Jamshed Ali Khan.  
Nawabzada Muhammad Liaquat Ali Khan.  
Hafiz Muhammad Ibrahim.  
Lieut. Khan Bahadur Nawabzada Abdus Sami Khan.  
Shaikh Abdullah.  
Khan Bahadur Hafiz Hidayat Hussain.  
Maulvi Saiyid Habib-ullah.  
Khan Bahadur Shah Badre Alam.  
Shaikh Ghulam Husain.  
Dr. Shafa'at Ahmad Khan.  
Khan Bahadur Saiyid Jafar Husain.  
Khan Bahadur Shaikh Saiyid Muhammad alias Maiku Mian.  
Khan Bahadur Maulvi Fasih-ud-din.  
Khawaja Khalil Ahmad Shah.  
Raja Saiyid Ahmad Ali Khan Alvi.  
Chaudhri Niamat-ullah.  
Mr. Muhammad Habib.  
Rai Bahadur Munshi Ambe Prasad.  
Rai Bahadur Lala Mathura Prasad Mehrotra.  
Raja Shambhu Dayal.  
Kunwar Bisheshwar Dayal Seth.  
Raja Jagannath Bakhsh Singh.  
Mr. J. P. Srivastava.  
Rai Bahadur Babu Vikramajit Singh.  
Pandit Iqbal Narayan Gurtu.

*Noes.*

|   |                                     |
|---|-------------------------------------|
| The Hon'ble Sir Sam O'Donnell.                      | Mr. A. W. McNair.                   |
| The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan. | Khan Bahadur Chaudhri Wajid Husain. |
| The Hon'ble Rai Rajeshwar Ball.                     | Mr. E. L. Norton.                   |
| The Hon'ble Thakur Rajendra Singh                   | Mr. F. F. R. Channer.               |
| The Hon'ble Nawab Muhammad Yusuf.                   | Mr. R. J. S. Dodd.                  |
| Mr. G. B. Lambert,                                  | Colonel G. Tate.                    |
| Mr. E. A. H. Blunt.                                 | Mr. A. H. Mackenzie.                |
| Kunwar Jagdish Prasad.                              | Mr. G. Clarke.                      |
| Sir Ivo Elliott.                                    | Raja Sir Saiyid Abu Jafar.          |
| Mr. P. H. Tillard.                                  | Khan Bahadur Mr. Masud-ul-Hasan.    |
| Mr. H. A. Lane.                                     | Babu Ram Charana.                   |
| Mr. A. W. Pim.                                      | Rai Bahadur Lala Shyam Sunder Lal.  |

ELECTIONS.

(See pages 146—148 *supra*).

**The Hon'ble the President:** The following members have secured largest number of votes in connexion with the election of members to serve on various boards and they have accordingly been elected :—

*The King Edward VII Memorial Sanatorium Trust Committee—*

1. Dr. Bhopal Singh.
2. Major Ranjit Singh.
3. Babu Shambhu Nath of Bhowali.
4. Pandit Badri Datt Pande.
5. Dr. Shafa'at Ahmad Khan.

*The Board of Industries—*

1. Rai Bahadur Babu Vikramajit Singh.
2. Khan Bahadur Maulvi Fasih-ud-din.
3. Pandit Bhagwat Narayan Bhargava.

*The Irrigation Board—*

1. Pandit Sri Sadayatan Pande.
2. Raja Saiyid Ahmad Ali Khan Alvi.
3. Thakur Hukum Singh.
4. Babu Shyam Lal.

*The Board of Public Health—*

1. Mr. Zahur Ahmad.
2. Babu Sampurnanand.
3. Thakur Sheo Shankar Singh.

*The Forest Advisory Board—*

1. Pandit Badri Dutt Pande.
2. Rai Bahadur Munshi Ambe Prasad.
3. Maharaj Kumar Major Mahijit Singh.
4. Shaikh Ghulam Husain.

*The Court of the Allahabad University—*

1. Rai Bahadur Lala Mathura Prasad Mehrotra.
2. Babu Kishori Prasad.
3. Mr. A. P. Dube.
4. Khan Bahadur Saiyid Jafar Husain.
5. Thakur Manjit Singh Rathor.



RESOLUTION *re* THE UNITED PROVINCES  
LAND REVENUE (SETTLEMENT) BILL.

**Raja Saiyid Ahmad Ali Khan Alvi:** I do not want to move the resolution standing in my name [for the re-introduction of the United Provinces Land Revenue (Amendment) Bill Settlement] as there is a similar motion which stands in the name of Rai Bahadur Munshi Ambe Prasad.

**The Hon'ble the President:** The Resolution is not moved.

RESOLUTION *re* KANS GRASS IN BUNDELKHAND.

**Thakur Har Prasad Singh:** I move.

"That this Council recommends to the Government to inquire into the cause of the increasing *kans* area and decrease of culturable area and the decreasing power of productivity in Bundelkhand and to adopt measures to improve the condition of land."

By means of this resolution I want the Government, firstly, to inquire into the cause of the increasing *kans* area, secondly, to inquire into the cause of the decrease of culturable area and, thirdly, to inquire into the cause of the decreasing power of productivity of land in Bundelkhand and lastly to adopt measures to improve the condition of land. *Kans* is a weed or grass which is generally found in Bundelkhand. To explain that I will just refer to the Gazetteer of the Hamirpur district. This grass is inherent in the soils of Bundelkhand and has a special affinity for *mar* and *kabar*. Ordinarily it grows two to three feet high, but sometimes under favourable conditions much higher, *kans* possesses extremely long tenacious roots estimated to extend four to five feet below the surface of the ground. The consequence of this is that it is impossible to eradicate it, while its downy seed bearing blossoms are transported by the wind in myriads over the country enabling it to spread with great rapidity. The literature relating to *kans* is voluminous, but no efficacious remedy for it yet has been discovered; its habits and its special features are well known. Like other grasses it is affected by drought and there have been times when years of drought have been a positive benefit to many villages infested with it. It is a noticeable fact that strong and prosperous communities suffer but little from its ravages, and it appears that its growth may be arrested or at any rate retarded by industry. Excessive rainfall, especially if this is a feature of two or more successive seasons, by rendering the black soils unworkable directly encourages *kans*; and experience has shown that any other factor which weakens the agricultural community such as mortality of cattle, over-assessment, or loss of population, has a like effect. Left to itself *kans* is reputed to die down in a period variously estimated from 12 to 20 years; and it is asserted that the preliminary to its periodical disappearance is its replacement by *sonla* grass."

Sir, it is a pest for the land in our division of Bundelkhand, and it has played havoc in the 19th century, as I will just show from the Gazetteers of three districts. In the Hamirpur district Mr. Freeling's settlement of Mahoba (1856) was on the whole light "though there was inequality in the treatment of villages, and Mr. Wigram's settlement of Jaitpur as finally revised by the board was also a light one and involved no subsequent difficulties of collection. The working of the assessments was to some extent

interfered with by the disturbances attending the mutiny, especially in Panwari, Jaitpur and Hamirpur, and *kans* committed a certain amount of damage in a few villages." Again :—"The statistics on which the settlement was based were compiled for the years 1874 to 1876 during which the rainfall had been heavy and ill-timed. Large tracts were overrun with *kans* and land was said to have been purposely thrown out of cultivation in view of the approaching settlement. The seasons from 1875 to 1877 were favourable, and were followed by two dry years, during which *kans* died out and cultivation spread rapidly" In Banda *kans* played great havoc, as will appear from the report given in the Gazetteer of that district :—"In 1826 the growth of *kans* began to cause serious alarm and is said to have been growing rapidly since 1820; during these years the character of the season inclined towards excessive rainfall. From 1850 to 1854 the seasons were all marked by abnormal rainfall; in 1852 *kans* again invaded the district and in 1855 the cultivated area is said to have been much reduced. Subsequent to the mutiny heavy and injurious rains fell in 1867, 1869 and 1871 and *kans* made rapid headway." On page 141 of the Jhansi Gazetteer we find :—"The evil effects of this calamity known locally as the *pachisa* from the Sambat year 1925 lay in a large loss of plough cattle and the migration of cultivators to Malwa and other parts. It was followed by seasons of excessive rain, and in the large areas of fallow *kans* sprang up and defied the enfeebled population, till in 1872 it was reported as covering 40,000 acres in Jhansi alone."

Having regard to the soil of Orai district *kans* must have played the same part there, but as the Gazetteer was not available I cannot give the exact action of *kans* in that district. It has again appeared, because we have been having heavy rains since eight years. So *kans* has again appeared in the four districts of Banda, Hamirpur, Jhansi and Orai. The exact figures we cannot give, as I think no inquiry was made about it, but it could be seen from the area which is under *kans* at this time. If you travel after the rainy season you will find that a very big area is under *kans* and people have given up the fields where it grows. It is a very bad thing and it can be eradicated only by means of deep ploughing or by constructing bandhs or embankments around the fields. These are the only two ways of eradicating it. The deep ploughing method was applied in 1881 by Mr. Maine and there a steam plough was used, but that experiment proved very costly so it was given up. As regards embankments this has been tried and found successful. Generally in Banda district people construct embankments around fields and succeed in eradicating *kans* very easily, but the system is not general in Hamirpur district because Rath people do not like embankments. In other words, if I may be allowed to say so, this embankment system was never encouraged in that tahsil. The people of the Mahoba tahsil in Hamirpur district of course use embankments and they have been greatly benefited by them. I had been to Orai in the month of September and October and I had seen that thousands of bighas of land in Orai district is under *kans* grass and it is playing havoc there. I think that if this pest is allowed to grow in this way Bundelkhand will again be the sufferer and I think that the culturable area in that division will be decreased to a great extent. It is for the Agricultural department to appoint experts to inquire into the causes of this *kans* and to adopt means to eradicate it somehow or other from the division. Even by embankment we cannot succeed, if the top of this grass is not under water. So heavy

[Thakur Har Prasad Singh.]

embankments are required to be constructed if we want to eradicate this evil from Bundelkhand. On account of this *kans* we find that the culturable area is decreasing.

As regards the second point, about decrease in the culturable area, this *kans* is mostly responsible for the decrease. There is one thing more. In Bundelkhand the nalas, rivulets and rivers play havoc and they are creating ravines daily. I find that the culturable area which could have been cultivated easily has been turned into ravines and immediate steps require to be taken in this direction. Otherwise a big culturable area will be turned into ravines very soon.

About the third point, the productivity of soil is also decreasing in Bundelkhand and this House will be surprised to hear that irrigation, instead of doing any good to the country, is doing great harm. I find that the areas which were irrigated in the first year when irrigation was started were quite all right; but after five or six years that very area has become useless. There is one weed which is called *doob*; it is increasing by leaps and bounds in Bundelkhand and is generally found in those tracts which are under irrigation. So irrigation instead of doing any good to the country is doing harm. I have made experiments and I have found that the embankment system is the only system which can improve the condition of land in Bundelkhand. Irrigation of course can do some good to *parua* land and light soil, but it cannot do any good to heavy soil which is called *kabar* and *mar* in our Bundelkhand. So the Government should inquire about the decreasing power of productivity also. Bundelkhand has got a peculiar climate and a peculiar kind of soil. What is required is that experts should be appointed to find out the causes of all these things and to adopt measures by which the productivity of the land may be increased. With these few words I put the resolution to the House and hope that as it concerns only four districts in the Bundelkhand division and is not of a contentious nature it will be passed by the Council unanimously.

**Sayid Habib-ullah :** I rise to give my whole-hearted support to the resolution which has just been moved by my honourable friend. I do not know if the Hon'ble Minister will grudge the inquiry that has been asked for and I think it should be left to the Director of Agriculture to go and find out the means of removing this disease in Bundelkhand. I have got bitter experience of *kans*. I assure you, Sir, that if you will go and see the places you will find village after village where there is absolutely nothing but *kans*. The condition of the people in these areas is as deplorable as it could be. Houses which were in very prosperous condition at one time are in ruins. If you go and see any house you will find not a *thali*, not a *lota* in the house but only *garhas*. Why? Because cultivation has gone down and the cultivated areas have decreased and the people are in very sad plight. I submit that this is not a resolution which should be discussed here and I hope that the Hon'ble Minister will get up and say that he accepts it and the Hon'ble Director of Agriculture to say that he will make immediate enquiry and find out the means of getting rid of this *kans*.

**Mr. G. Clarke :** I do not think a special inquiry will fulfil the objects which the honourable mover and the honourable member for Banda have in view. There is nothing to indicate that the growth of *kans* is now

abnormal. In fact, the latest figures in my possession for the three districts of Bundelkhand show a slight decrease. In Banda, for example, in 1916-17, 41,000 acres were reported; in 1925-26, 27,000 acres were reported. For the whole of the three districts of Banda, Hamirpur, Jalaun in 1916-17, 80,000 acres were reported and now they are 70,000. That shows a slight decrease. Government are fully aware of the necessity of eradicating *kans* from areas where it has now grown and of taking measures to prevent its spread to other localities. Before notice of this motion was received the matter had been under consideration for some time and the Deputy Director of Agriculture of the recently-established circle in Bundelkhand is co-operating with the Director of the Institute of Plant Industry, in Indore, in working out a scheme for the eradication of *kans* in Bundelkhand. The scheme is now ready, and when it has been examined in a little more detail, Government intend to ask the Council to vote a supplementary estimate to enable us to undertake the experiment in Bundelkhand. The problem there, as the honourable member has said, is by no means easy, and consequently any scheme which is introduced must be one which the cultivators can carry out and its effect must be permanent, and, above all, it must be a paying business proposition. What, however, I may state at present is that experiments in Central India are very promising, and I shall therefore request the Council to grant us money for the introduction of the scheme in Bundelkhand, when a supplementary estimate is presented to them for the purpose.

With regard to the general agricultural development of Bundelkhand, ample provision has been made recently. A new agricultural circle has lately been established at Jhansi, and last year a provision of Rs. 66,000 was made. We have now under consideration a scheme for opening a new experimental farm in Jhansi, and one of the main problems of that farm will be the study of the proper use of irrigation water in Bundelkhand. We know that it is an extremely difficult problem, but it is by no means insoluble. There is no doubt whatever that much improvement is possible by means of better seed and cultivation and numerous other ways which the Agricultural department are already trying. The honourable member may rest assured that if the Government are of opinion that sufficient progress has not been made, there will be no hesitation in taking such steps as will give Bundelkhand an expert staff, fully qualified to deal with this dangerous pest of *kans*.

One of the most important problems in Bundelkhand, which the honourable member did not mention, is the improvement of cattle. There are, as we know, excellent breeds of cattle, and amongst the proposals which the Government have under consideration at the moment is one for the establishment of a large cattle breeding farm in Bundelkhand. This scheme has been examined and approved by the Cattle Committee; and we hope to introduce it at an early date. I hope, therefore, the House will agree that the Government are not overlooking the requirements of Bundelkhand, and indeed we are doing all that is possible to develop that part of the province. In the circumstances I trust the honourable member will not press his resolution.

**Khan Bahadur Hafiz Hidayat Husain:** I do not want to make a speech, but I only wish to inquire from the Director of Agriculture if he has also taken into consideration the scheme which has been tried in the Central Provinces. There, large amounts of taqavi are distributed to the

[Khan Bahadur Hafiz Hidayat Husain.]

tenants under the Land Improvement Act, and they are helped to take full advantage of that money. The tenants with the help of this money raise high embankments and flood their fields, with the result that *kans* land is soon converted into good land. My point is that in any scheme to be adopted by the Director of Agriculture free distribution of taqavi should find its proper place.

**Pandit Bhagwat Narayan Bhargava :** I do not agree with the honourable the Director of Agriculture when he says that there are no indications to show that the area under *kans* is increasing in Bundelkhand. In fact I have myself made local inquiries into this matter. I have also discussed it with certain experienced officials of this department and with certain important zamindars of Bundelkhand. Today I have received a telegram and some letters on this question from the various constituencies in Bundelkhand. It appears from them that the figures which the honourable the Director has quoted are somewhat misleading. The figures which have been supplied to him are based on the papers of patwaris, and I think inquiries must have been made through kanungos. I submit that the figures as given by the patwaris or the kanungos at least in connexion with this particular point are not reliable, because the *kans* area which is recorded as such in patwaris papers in Bundelkhand is that area which has been given up and has not been cultivated for ten years continuously. It is the practice in Bundelkhand that when *kans* has grown in a certain land, the zamindars or the agriculturists give up that land and do not cultivate it for ten years, with the hope that *kans* will be removed during that period. But the land, in which *kans* already exists and side by side with that *kans* other crops are sown, is not classified as *kans* by the patwaris. That is the reason why I say that the figures which have been supplied to the Director of Agriculture are not reliable. There would have been no necessity of our asking to make inquiries into the increase of *kans* had it not been for the fact that the figures given by the patwaris are not reliable. Further, I beg to submit that my friend the Director of Agriculture thinks that thousands of acres of land which is covered with *kans* is no indication of the fact that *kans* is spreading in Bundelkhand. I could not hear the exact figures which he gave for Banda, but it was perhaps 27,000 acres which was quoted by him. One *kans* tree has thousands of flowers and each flower has got three seeds. It is impossible therefore that it should not spread unless its growth is checked. If we were to calculate the area under *kans* it will come up to over one lakh of acres in the whole of Bundelkhand. I consider this as a curse to Bundelkhand. The Director of Agriculture himself admits that there has been only a slight decrease in the *kans* area. I beg to submit that if he were to make an inquiry in the way in which I have suggested, he will find out the truth. He is simply relying on the patwari papers to inquire as to how much land is there in Bundelkhand which is under *kans* and how much land there is under other crops. I have come to know from several big zamindars of Bundelkhand that the fertility of their land has decreased very much. The areas covered with *kans* yield only one-third or one-fourth in comparison to what it used to be before 14 or 16 years ago. Then the Director of Agriculture did not suggest any means as to how this *kans* area can be decreased or *kans* can be removed. I was told by an expert of his department that so far they have been able to find only one method and that is

the use of a plough which is named C. T. No. 2. I do not myself know what this means. I was given this name by an officer of the Agriculture department. It is some English soil inverting plough. The land can be tilled by that plough up to a depth of 9 inches. While the roots of this weed which is called *kans* go deep down in the land about 5 or 6 feet and that is particularly the case with *mar* and *kabar* lands which are in abundance in Bundelkhand. So some remedy will have to be found out; but the department has itself to deal with this curse in Bundelkhand otherwise poor zamindars of Bundelkhand will not have a single inch of land left for cultivation after a lapse of time. Sir, I know that in the Jalaun district on account of the increase of this sort of land the Collector of that district in 1900 or 1899, had to take in his hand the charge of about 200 villages simply for the reason that the zamindars could not pay full revenue for several years. The revenue could not be paid even under the management of the Collector who himself could not find out any ways and means to remove this evil. Therefore, I submit that the department and this House should not treat this matter in a trifling way, simply because the Director thinks that the *kans* area is not increasing. If he will make further inquiries into the cause of the increase of the *kans* area and to adopt at an early date practical and efficient measures to check its growth, I hope the mover will have no occasion to press the motion.

**Thakur Sadho Singh :** I am rather shocked to find that rural interests are so poorly represented in this Council as shown by the poor attendance and lack of interest in the debate. This is one of the real problems for the betterment of the condition of a large area, affecting a large population of a part of our province and for saving it from miseries of depopulation. I never thought that *kans* weed could be so great a calamity in Bundelkhand, but the gentleman from Jhansi has proved to the hilt that it is a serious and widespread calamity there and the measures suggested by the Director of Agriculture are quite inadequate to meet the situation. It is necessary that a number of experienced officers of the Agricultural department (instead of sitting in their offices) should go over there to help the cultivators and secure their co-operation in eradicating this weed. We know that Bundelkhand districts are the poorest in our provinces and still the department has not given sufficient attention to its agricultural necessities. I understand that it is difficult to deal with such problems on the spot in Bundelkhand, but the time has come when all that can be done should be done, otherwise this Agricultural Commission or any Commission will be of no use. If the cultivator cannot be assisted in preventing his soil from turning to waste and losing its fertility or saving the agriculturist from misery the doings of the department shall really bear no fruit.

With these few words I support the resolution.

**Khan Bahadur Maulvi Fasih-ud-din :** I move for the closure.

**The Hon'ble the President :** I cannot put the motion of a closure to the House, as in my opinion it would be an infringement of the right of debate. Already a complaint has been heard about the neglect of rural interests in the House.

**Kunwar Jagdish Prasad :** My honourable friend the Director has already informed the House that we are fully alive to the importance of eradicating *kans* from Bundelkhand. We are taking measures which, we hope will reduce the evil. We will consider very carefully the suggestions that have been made today. We have not gone into details because the scheme is still under consideration and the House will have an opportunity of discussing the details of the scheme when we come before the House for voting funds for it. I may assure my friend the member for Shahjahanpur that we are fully alive to the interests of the rural areas. I myself derive my permanent livelihood from the labours of the rural population (hear, hear) and I assure him that as far as I am concerned the interests of the rural population will be always treated with the consideration which they deserve. I hope, Sir, that the reassuring statement that has been made on behalf of the Government will induce the honourable member for Hamirpur to withdraw his motion.

**Thakur Har Prasad Singh :** My honourable friend, the Director of Agriculture has given certain figures for the *kans* areas and I wish to inform my friend that the figures are not correct, because we live in those districts and we see that the area under *kans* is increasing daily. We of course are very much thankful to the department that they have given us a separate Deputy Director for the Bundelkhand division and the Deputy Director who has been appointed in that post is of course a very competent man—well acquainted with all the peculiarities of the division and is doing his best ; but that is not sufficient. Something more is required to be done in this direction, because *kans* is an evil and measures should be adopted to eradicate it permanently. When there are scanty rains consecutively for two or three years, the *kans* dies out, but as soon as we have good monsoons it again appears and when it does appear, it covers thousands of bighas of land in a very short time, because its seeds are scattered far and wide by the wind very easily and so it takes root in other cultivated areas also. Deep-ploughing can of course do some good, but that would be very expensive, and I am not sure as to whether we will be able to eradicate the *kans* by means of deep-ploughing, as it is possible that the *kans* may grow healthily in a deep-ploughed area. The only way of eradicating it is by the construction of embankments, and for that, as my honourable friend Mr. Hafiz Hidayat Husain has suggested, a free taqavi should be given. I think that is the better course which the Government might adopt. In Bundelkhand there are many pattidari villages and people cannot undertake to construct embankments on their land because they have very little interest. Their fields are divided and they have not got any big holdings. So for such villages Government should construct embankments at its own cost and that cost can be realized by instalments. The other course may be that some experts might be appointed who might find out ways and means to eradicate this *kans* from Bundelkhand. I do not see any use of this grass. When it is green it is used as fodder for the cattle, but after that it is useless for any other purpose. If the experts can find out some use in the manufacture of anything industrial, then of course the grass can be utilized.

The honourable Director of Agriculture suggests that they are going to start cattle farming in Bundelkhand very soon. Of course that will help us to a great extent, as the cattle of the Bundelkhand division are at present not of good breed, but that has nothing to do with *kans*.

I would have gladly withdrawn my resolution had I been satisfied that prompt and sufficient measures would be adopted and for this reason I would not withdraw my resolution but would commend it to the House.

*The resolution was put and adopted without a division.*

The following resolution standing in the name of Ravi Bahadur Munshi Ambe Prasad was considered as withdrawn in the absence of the honourable member concerned :—

“That this Council recommends to His Excellency the Governor in Council that they may be pleased to have the Land Revenue Bill, that was not proceeded with by the Government on August 5, 1926, at Naini Tal, re-introduced in the Council at an early date.”

*The Council was then adjourned to the following day*





# LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

*Thursday, January 27, 1927.*

THE Council met in the Council Chamber, Lucknow, at 11 a.m.  
The Hon'ble Rai Bahadur Lala Sita Ram in the Chair.

PRESENT :

(96)

The Hon'ble Sir Sam O'Donnell.  
The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
The Hon'ble Thakur Rajendra Singh.  
The Hon'ble Nawab Muhammad Yusuf.  
Mr. G. B. Lambert.  
Mr. F. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Sir Ivo Elliott.  
Mr. P. H. Tillard.  
Mr. H. A. Lane.  
Mr. A. W. Pim.  
Mr. A. W. McNair.  
Khan Bahadur Chaudhri Wajid Husain.  
Mr. E. L. Norton.  
Mr. F. F. R. Channer.  
Mr. R. J. S. Dodd.  
Colonel G. Tate.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Mr. H. C. Desanges.  
Mr. E. Ahmad Shah.  
Babu Ram Charan.  
Babu Prag Narayan.  
Babu Ganesh Shankar Vidyarthi.  
Mr. A. P. Dube.  
Pandit Rahas Bihari Tiwari.  
Rai Bahadur Lala Shyam Sunder Lal.  
Babu Bhagwati Sahai Bedar.  
Rai Sahib Lala Jagdish Prasad.  
Chaudhri Vijai Pal Singh.  
Pandit Nanak Chand.  
Thakur Manak Singh.  
Thakur Pratap Bhan Singh.  
Thakur Hukum Singh.  
Raja Kushal Pal Singh.  
Rao Krishna Pal Singh.  
Lala Nemi Saran.  
Chaudhri Badan Singh.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Pandit Brijnandan Prasad Misra.  
Pandit Bhagwat Narayan Bhargava.  
Rao Udaibir Singh.  
Babu Kishori Prasad.  
Lieut. Raja Durga Narayan Singh.  
Pandit Deota Prasad.  
Babu Shyam Lal.  
Babu Uma Shankar.  
Babu Kavendra Narayan Singh.

Pandit Shri Sadayatan Pande.  
Thakur Shiva Shankar Singh.  
Rai Bahadur Thakur Hanuman Singh.  
Rai Bahadur Babu Abhinandan Prasad.  
Bhaya Hanumat Prasad Singh.  
Babu Ganga Prasad Roy.  
Pandit Badri Dutt Pande.  
Mr. Mukandi Lal.  
Rai Bahadur Chaudhri Jagannath Prasad.  
Raja Bahadur Bishwanath Saran Singh.  
Rai Bahadur Babu Mohan Lal.  
Rai Bahadur Pandit Sankata Prasad Bajpai.  
Raja Raghuraj Singh.  
Maharaj Kumar Major Mahijit Singh.  
Kunwar Surendra Pratap Sahi.  
Mr. C. Y. Chitramani.  
Haji Abdul Qayum.  
Mr. Muhammad Abdul Bari.  
Maulvi Zahur-ud-din.  
Saiyid Tufail Ahmad.  
Khan Bahadur Shaikh Zia-ul-Haq.  
Lieut. Nawab Jamshed Ali Khan.  
Nawabzada Muhammad Liaquat Ali Khan.  
Haji Muhammad Ibrahim.  
Lieut. Khan Bahadur Nawabzada Abdus Sami Khan.  
Shaikh Abdullah.  
Khan Bahadur Hafiz Hidayat Husain.  
Maulvi Saiyid Habib-ullah.  
Khan Bahadur Shah Badre Alam.  
Shaikh Ghulam Husain.  
Dr. Shafa'at Ahmad Khan.  
Khan Bahadur Saiyid Jafar Husain.  
Khan Bahadur Shaikh Saiyid Muhammad alus Maiku Mian.  
Khan Bahadur Hakim Mahbub Ali Khan.  
Khan Bahadur Maulvi Fasih-ud-din.  
Khawaja Khalil Ahmad Shah.  
Raja Saiyid Ahmad Ali Khan Alvi.  
Mr. St. George H. S. Jackson.  
Rai Bahadur Munshi Ambe Prasad.  
Rai Bahadur Lala Bihari Lal.  
Rai Bahadur Lala Mathura Prasad Mehrotra.  
Raja Shambhu Dayal.  
Kunwar Bisheshwar Dayal Seth.  
Raja Jagannath Bakhsh Singh.  
Mr. E. M. Souter.  
Pandit Iqbal Narayan Gurtu.

### QUESTIONS AND ANSWERS.

\* 1. **Lala Nemi Saran :** *[Postponed at the request of Government till the first day of the next meeting of the Council.]*

#### CHANDPUR-NAJIBABAD RAILWAY LINE.

\* 2. **Lala Nemi Saran :** Will the Government be pleased to say in what state of progress is the question of joining Bijnor town with a railway line at present? What is the route proposed and by what time is the work likely to begin?

**The Hon'ble Sir Sam O'Donnell :** A preliminary survey was carried out last year by the East Indian Railway from Chandpur *via* Bijnor to Najibabad. No date for commencement can be given, as the project is under disposal with the Railway Board.

#### COUNCIL ELECTIONS.

\* 3. **Lala Nemi Saran :** (a) Is the Government aware that during the recent Council elections some members and chairmen of local bodies exerted their influence as such to induce the employees of those local boards of which they were members or chairmen to work for certain candidates in the elections?

(b) Did the Government receive any such complaints during the elections? If so, from where and concerning whom were these reports received?

(c) Is the Government prepared to make any inquiry into these reports? If so, how and when? And, if not, why not?

(d) Is it a fact that the employees of the local boards are not prohibited from taking an active part in the Council elections as they are not government servants?

**The Hon'ble Nawab Muhammad Yusuf :** (a) & (b) The Government have received complaints to this effect from (1) Almora through the *Kurmachal Mitra* newspaper against Pandit Hargoviind Pant Sahib, chairman of the district board, (2) from Bijnor through the honourable member against Babu Jagmandar Das, chairman, (3) from Moradabad through Babu Bhagwati Sahai Bedar Sahib against the secretary of the district board, (4) from Bulandshahr through Pandit Nanak Chand Sahib, (5) from Allahabad through Mr. Aslam Saifi Sahib against the chairman of the municipal board at Agra, (6) from the Collector of Hamirpur regarding the chairman and members of the district board.

(c) No, as the complaints have not supplied any definite evidence that the local board employees were coerced. The ordinary procedure for inquiry should be by means of an election petition.

(d) Yes.

**Khan Bahadur Hafiz Hidayat Husain :** What was the nature of the complaints received through these gentlemen?

**The Hon'ble Nawab Muhammad Yusuf :** The nature of the complaints was not very definite. They were simply that employees of certain local bodies took part at the instance of the authorities concerned.

**Lala Nemi Saran :** Does the Government intend to look into the cases in which complaints were received?

**The Hon'ble Nawab Muhammad Yusuf :** If definite evidence is given Government will look into these complaints.

**Mr. C. Y. Chintamani :** Did the complainant, the Collector of Hamirpur, failed to supply any definite evidence ?

**The Hon'ble Nawab Muhammad Yusuf :** Yes.

**Mr. C. Y. Chintamani :** Did the complaint come through the Collector or from the Collector ?

**The Hon'ble Nawab Muhammad Yusuf :** I have not been able to catch the honourable member's words.

**Mr. C. Y. Chintamani :** Was the Collector author of the complaints or he only forwarded somebody else's complaint to the Government ?

**The Hon'ble Nawab Muhammad Yusuf :** He said that there were reports about it.

**Mr. C. Y. Chintamani :** Did the Government address any inquiry to the Collector with regard to the complaint which he deemed fit to forward ?

**The Hon'ble Nawab Muhammad Yusuf :** No.

**Mr. C. Y. Chintamani :** Will the Government consider the advisability of doing so ?

**The Hon'ble Nawab Muhammad Yusuf :** We are ready to do that if any definite case is brought to the notice of the Government.

**Mr C. Y. Chintamani :** Do the Government treat the complaints that come from Collectors of districts on the same footing as those that come from non-official sources ?

**The Hon'ble Nawab Muhammad Yusuf :** Each individual case will have to be taken on its merits.

**The Hon'ble the President :** The Hon'ble Minister should be a little more audible.

**The Hon'ble Nawab Muhammad Yusuf :** That will depend upon the merits of each individual case.

**Mr. C. Y. Chintamani :** Have the Government considered whether this individual case on its merits did not deserve more attention than has been given to it ?

**The Hon'ble Nawab Muhammad Yusuf :** I fear I cannot say more on this point.

**Mr. C. Y. Chintamani :** Will the Government consider the advisability of prohibiting employees of local boards from taking an active part in elections ?

**The Hon'ble Nawab Muhammad Yusuf :** We have already considered this.

**Mr. C. Y. Chintamani :** With what result ?

**The Hon'ble Nawab Muhammad Yusuf :** A circular has been issued.

**Mr C. Y. Chintamani :** That they should not take part ?

**The Hon'ble Nawab Muhammad Yusuf :** Yes.

**Mr. C. Y. Chintamani :** So the answer printed here is not quite correct ?

**The Hon'ble the President .** That would be a matter of inference.

**Pandit Nanak Chand :** Are these complaints to be submitted direct to the Government or through the Commissioner to the Government or to the Commissioner himself?

**The Hon'ble Nawab Muhammad Yusuf :** It would be better if they were submitted through the proper channel.

**Pandit Nanak Chand :** What is meant by "proper channel"?

**The Hon'ble Nawab Muhammad Yusuf :** Proper authorities, Collector and Commissioner.

**Pandit Nanak Chand :** What is meant by "proper authorities"?

**The Hon'ble Nawab Muhammad Yusuf :** I have already said—Collector and Commissioner.

**Lala Nemi Saran :** The answer to part (d) is "yes" which is not intelligible to me. Does it mean that they are not prohibited from taking part or they are so prohibited? Will the Hon'ble Minister make it clear?

**The Hon'ble Nawab Muhammad Yusuf :** A circular was issued. Strictly speaking, it is a very moot point as to whether they have a right to take part or not. There is no rule.

**The Hon'ble the President :** The honourable member wants a more definite reply.

**The Hon'ble Nawab Muhammad Yusuf :** The definite reply is that there is no definite rule.

**Mr. C. Y. Chintamani :** Will the Government make a definite rule?

**The Hon'ble Nawab Muhammad Yusuf :** I am afraid the Government are now in a position to make such a rule without the amendment of the Act.

**Mr. C. Y. Chintamani :** Is it within the competence of the Local Government to introduce such legislation if legislation be necessary?

**The Hon'ble Nawab Muhammad Yusuf :** Yes, of course.

**Mr. C. Y. Chintamani :** Will the Hon'ble Minister consider the advisability of introducing such legislation?

**The Hon'ble Nawab Muhammad Yusuf :** If it is the considered opinion of the House that we should do so, I shall be only too glad.

**Pandit Brijnandan Prasad Misra :** If there is no definite rule, is there any indefinite rule?

**The Hon'ble Nawab Muhammad Yusuf :** I am afraid there is no such thing as an indefinite rule.

**Babu Bhagwati Sahai Bedar :** What was the effect of that circular?

**The Hon'ble the President :** That would be asking for an expression of opinion. I feel that a number of supplementary question could have been avoided if the Hon'ble Minister had been a little more definite in his answer. I am sorry to have to say that from the Chair. I feel that more definite answers should have been given to avoid these supplementary questions.

**Pandit Nanak Chand :** Has the Hon'ble Minister any reasons to think that this is not the considered opinion of this House?

**The Hon'ble the President:** Order, order. This question is not meant to elicit information.

**The Babu Ganga Prasad Roy:** The answer says that only from five places complaints were received by the Government; could these complaints be laid on the table for the examination of the House to know how far they were capable of being inquired into?

**The Hon'ble Nawab Muhammad Yusuf:** Yes.

**Mr. A. P. Dube:** If definite evidence has to be given, where will this evidence be recorded?

**The Hon'ble the President:** That is a hypothetical question.

SPEECH DELIVERED BY THE PRINCIPAL, THOMASON COLLEGE,  
ROORKEE.

\* 4. **Lala Nemi Saran:** Will the Government be pleased to lay on the table a copy of the speech delivered by the Principal of the Thomason Civil Engineering College at the time of its last Convocation?

**The Hon'ble Rai Rajeshwar Bali:** A copy of the Principal's speech is laid on the table of the honourable member.

*(See Appendix A, page 253.)*

**Lala Nemi Saran:** Has the Government's attention been drawn to that passage in the speech in which the Principal expressed his opinion regarding the College that the Roorkee College, once an Imperial College, might again become an Imperial College?

**The Hon'ble Rai Rajeshwar Bali:** Our attention has been drawn to this.

**Lala Nemi Saran:** Do the Government approve the making of such a statement by one of their subordinates in the presence of the Head of another Government?

**The Hon'ble Rai Rajeshwar Bali:** We regard that as an indiscretion on the part of the Principal.

**Lala Nemi Saran:** Have the Government taken any action against the Principal?

**The Hon'ble Rai Rajeshwar Bali:** We did not think it necessary to take any action.

**Padit Iqbal Narayan Gurtu:** Does the Principal's statement in any way reflect the opinion of this Government?

**The Hon'ble Rai Rajeshwar Bali:** No.

**Lala Nemi Saran:** Have the Government conveyed their disapproval to the Principal?

**The Hon'ble Rai Rajeshwar Bali:** We did not think it such a serious matter.

**Thakur Manak Singh:** Will the Government inform the Principal the opinion of the House in this matter?

**The Hon'ble Rai Rajeshwar Bali:** Today's proceedings will be published in the papers and he will know it.

## LAND REVENUE (AMENDMENT) BILL.

\* 5. **Lala Nemi Saran** : Does the Government intend to introduce the Land Revenue (Amendment) Bill in the Council? If so, when? If not, why not?

**The Hon'ble Sir Sam O'Donnell** : A reply will be given at a later date.

**Khan Bahadur Hafiz Hidayat Husain** : Has the Government considered the desirability of re-introducing the Land Revenue (Amendment) Bill in the Council?

**The Hon'ble Sir Sam O'Donnell** : I have said that I will give a reply at a later date. There was a resolution on the subject yesterday, and if it had been moved I would have referred to the debate, but a resolution will be moved tomorrow on the same subject and in connexion with that resolution I will explain the position of the Government in detail.

## FREE AND COMPULSORY PRIMARY EDUCATION.

\* 6. **Lala Nemi Saran** : (a) Has any district board introduced free and compulsory primary education in these provinces?

(b) Is there any likelihood of some boards introducing it before the close of the next financial year?

(c) Does the Government intend providing some money for the purpose in the coming budget for the year 1927-28?

**The Hon'ble Rai Rajeshwar Bali** : (a) No.

(b) Yes.

(c) Government cannot make any statement in regard to the budget at present.

**Lala Nemi Saran** : Are some boards likely to introduce compulsory education in the next financial year?

**The Hon'ble Rai Rajeshwar Bali** : We cannot say definitely whether some boards would like to introduce it or not.

**Pandit Bhagwat Narayan Bhargava** : Has the Government called upon any of the boards to submit schemes for compulsory education?

**The Hon'ble Rai Rajeshwar Bali** : We have issued a circular letter to the district boards on this subject.

## EDUCATIONAL RULES UNDER DISTRICT BOARD ACT.

\* 7. **Lala Nemi Saran** : Does the Government contemplate revising the Educational Rules framed under the District Boards Act, whereby powers of suspension and dismissal of teachers are given to the chairmen?

**The Hon'ble Rai Rajeshwar Bali** : The honourable member is referred to the statement made by me during the course of the debate on the resolution moved by the honourable member on January 25, 1927.

## JAIL MANUAL.

\* 8. **Lala Nemi Saran** : Has the Jail Manual been revised? Will the Government be pleased to lay a copy of the revised edition on the table? Was any non-official opinion consulted by the revising authority? If not, why not?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan:** The new Jail Manual is nearing completion. Till it is complete, it cannot be made available. For the second part of the question the honourable member is referred to the answer given to his starred question No. 127 on February 23, 1926.

*(Copy of starred question No. 127 of February 23, 1926, asked by LALA NEMI SARAN SAHIB and the answer given thereto.)*

QUESTION.

\* Is the Jail Manual being revised? Has the committee given the draft of the revised Manual? Can the Government lay the draft on the table before passing final orders on it? Will Government obtain the opinion of the members of this Council?

ANSWER.

\* The method by which the Jail Manual is being revised is explained in the answer given on December 21, 1925, to starred questions Nos. 19, 20 and 21. The Manual is being prepared departmentally for executive use, and Government do not consider it feasible to take the opinion of the Council before it is finally approved. The lines on which it is being prepared are in accordance with the recommendations of the Jail Reforms Committee, as far as Government have found it possible to accept those recommendations. Government are aware of the views of honourable members as expressed in this Council and are giving full consideration to those views in revising the Manual.

*(Copy of starred questions Nos. 19, 20 and 21 of December 21, 1925, asked by RAJA JAGANNATH BAKSHI SINGH SAHIB and the answer given thereto.)*

QUESTIONS.

\*19 Will the Government be pleased to state what has been done with regard to the revision of the Jail Manual of rules?

\*20 What are the main points on which the said Manual of rules will be amended?

\*21 When will the rules be amended and will they be published?

ANSWER.

\* The revision of the Jail Manual was taken in hand immediately after the last meeting of the Council. The immediate intention was to remove all provisions of the Jail Manual which savoured in any way of racial discrimination, and also to secure the removal of all provisions relating to punishment and discipline which seemed unnecessarily harsh or cruel in their operation. It was found, however, at an early stage that the Manual, which was prepared in 1901 and only partially revised in 1914, was altogether out of date, and it was therefore decided that the whole of it should be re-written and re-arranged. Government after consulting the Inspector-General of Prisons have already considered nearly all the major questions involved and reached a provisional decision upon matters of policy on the lines mentioned above. Some of the re-drafting has also been done. The back of the work has thus been broken; the consideration of minor questions and the work of completing the re-drafting and of re-arranging the Manual is in progress, but the labour involved is heavy, and several months must still elapse before it can be completed. Every effort is being made to reduce the time taken in preparation to the lowest possible limit.

As soon as the revised Manual is complete it will be published, and will be available to the public on payment.

**Khan Bahadur Hafiz Hidayat Husain:** For how long has the Jail Manual been under preparation?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan:** Almost some six, seven or eight months.

**Mr. C. Y. Ohintamani:** Is the preparation nearing completion or the printing nearing completion?



**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Some of the chapters, I believe, have been sent to the Government Press and two of them are still under preparation.

**Babu Bhagwati Sahai Bedar :** What is the reply to the question whether any non-official opinion was invited by the revising authorities?

**The Hon'ble Lieut.-Nawab Muhammad Ahmad Sa'id Khan :** If the honourable member will refer to the reply given he will find that the reply is there

**Babu Bhagwati Sahai Bedar :** I wish to know if any non-official opinion was invited by the revising authorities. If not, why not?

**The Hon'ble Lieut.-Nawab Muhammad Ahmad Sa'id Khan :** As I have said in the reply, we have given full reply to the question. If the honourable member would have read it he would not have thought it necessary to put this question.

#### SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

\* 9. **Lala Nemi Saran :** What is going on regarding the separation of executive and judicial functions? Has the sanction from the Government of India been received?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The Government of India have recently intimated that the proposal is still under consideration.

**Pandit Iqbal Narayan Gurtu :** As the mountain is still under labour and the matter has been the subject of repeated interpellations for a number of years, will Government have a set of model questions and answers published for the guidance of posterity?

**The Hon'ble the President :** I have not heard exactly the form of the question. But it seems full of ironical expressions.

**Pandit Iqbal Narayan Gurtu :** My whole object was to elicit the fact as to whether it will take a long time in the opinion of the Government?

**The Hon'ble the President :** It should have been put in a different form.

**Mr. C. Y. Chintamani :** Will the Local Government be pleased to request the Government of India to hasten its slow progress?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** We have received our last reply only in January.

**Mr. C. Y. Chintamani :** Will the Government forward to the Government of India a copy of these questions and answers?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I do not think it will serve any useful purpose in view of such recent correspondence on the subject.

**Thakur Manak Singh :** Is there any indication when a decision will be reached?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** A reply has already been given.

**Mr. C. Y. Chintamani :** Has the Local Government drawn the attention of the Government of India to the statement made by the Hon'ble

Home Member of the Government of India in the Legislative Assembly in 1921 that any Local Government who wished to separate the judicial and executive functions would be given every facility to do so.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I do not think it is up to us to draw the attention of that Government. It is for them to think about it themselves as the statement was made by their Home Member.

**Mr. C. Y. Chintamani :** Will it be an offence for the Local Government to do so in a matter that interests us ?

**The Hon'ble the President :** That is a matter of opinion.

**Pandit Brijnandan Prasad Misra :** When were these proposals submitted to the Government of India for consideration ?

**The Hon'ble the President :** That is past history. There is no need to ask for information now about it.

**Babu Bhagwati Sahai Bedar :** Will this Government ask the Government of India how long they will take to consider this question ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** No.

**Pandit Nanak Chand :** Has Government any objection to drawing the attention of Government of India to the statement made by the Home Member in the Legislative Assembly in 1921 ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I have already said it is not for us to do so. It is the duty of every Government to be able to know the statements of their own members. It is not for the Local Government to draw their attention to it.

**Mr. C. Y. Chintamani :** Is there any keenness on the part of this Government to expedite the matter ?

No answer from the Government.

#### ABOLITION OF COMMISSIONERSHIPS.

\* 10. **Lala Nemi Saran :** After the enactment of the new Tenancy Act has the Government considered the question of the abolition of commissionerships ? If so, with what result, and, if not, why not ?

**The Hon'ble Sir Sam O'Donnell :** The new legislation has not had time to affect the amount of judicial work in Commissioners' courts. It is too early yet to say what the results will be.

**Pandit Iqbal Narayan Gurtu :** Could the Hon'ble the Finance Member give any idea how long he would like to take before the result could be examined ?

**The Hon'ble Sir Sam O'Donnell :** I can give no precise information. We shall do it as soon as we can.

\* 11. **Pandit Badri Dutt Pande :** [*Postponed at the request of Government till the first day of the next meeting of the Council*].

## COMMUNAL FORESTS IN KUMAUN.

\* 12. **Pandit Badri Dutt Pande** : Is there a scheme for starting communal forests in Kumaun ? If so, will the Government be pleased to lay a copy on the table and allot a day for its discussion by the Council ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan** : An officer of the United Provinces Government was on special duty in Madras till January 21 to inquire into communal forests. Till he has reported and Government have considered, his report, it would be premature for Government to make any statement or give any undertaking.

**Mr. C. Y. Chintamani** : May I know what are communal forests ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan** : Forests run by communities or villagers.

\* 13. **Pandit Badri Dutt Pande** : [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

## CHAIRMAN, MUNICIPAL BOARD, NAINI TAL.

\* 14. **Pandit Badri Dutt Pande** : When will the right of electing its own chairman be conceded to the municipality of Naini Tal ?

**The Hon'ble Nawab Muhammad Yusuf** : Government are not in a position to make any statement upon the point.

**Lala Nemi Saran** : On what considerations does the decision depend ?

**The Hon'ble Nawab Muhammad Yusuf** : The considerations are that Naini Tal is the residence of Government in the summer and Government has spent very large sums of money on it. Its peculiar physical configuration is such that it differs materially from those of other municipalities in the plains. Bearing all this in mind it is difficult to say when Government will be in a position to appoint a non-official chairman.

**Mr. C. Y. Chintamani** : Is Government health adversely affected by the existence of a non-official chairman ?

**Babu Bhagwati Sahai Bedar** : In what way will the position of Government be affected by a non-official chairman ?

**The Hon'ble the President** : How does that question arise ?

**Pandit Iqbal Narayan Gurtu** : Will Government state the peculiar nature of Naini Tal which makes this difficult ?

**Mr. C. Y. Chintamani** : Is not Almora a hill station and has it an elected non-official chairman ?

**The Hon'ble Nawab Muhammad Yusuf** : It is not the headquarters of the Government.

**Mr. C. Y. Chintamani** : The differentia is then not that Naini Tal is a hill station but that it is the headquarters of Government. If there were to be an Indian Deputy Commissioner at Naini Tal, would Government appoint a nominated European chairman ?

**Lala Nemi Saran** : Why should Government think that things could not be as efficiently administered by a non-official chairman ?

**The Hon'ble the President :** The question has been put and an answer given. If the honourable member is not satisfied with the answer he should put further questions.

**Babu Bhagwati Sahai Bedar :** What is the reason that prevents Government from appointing a non-official chairman there ?

**The Hon'ble Nawab Muhammad Yusuf :** I have already said why Naini Tal is different. It is the summer seat of Government and the Government has invested very large sums of money in practically creating Naini Tal. It is the chief sanatorium and Government feels specially responsible towards those whom it has attracted to Naini Tal and who flock there for their health. The physical features of Naini Tal are such that it differs materially from municipalities in the plains, or for that matter, even from a place like Almora which is not exposed to the fear of landslides. These are the reasons which make Government say they are not able to make a statement when a non-official chairman can be appointed.

*On some member rising to put further question—*

**The Hon'ble the President :** This has now become a matter of debate and is no longer a question.

**Babu Bhagwati Sahai Bedar :** Who is the chairman of the municipal board where the seat of the Government is in winter ?

No answer.

#### NAYAK REFORM BILL

\* 15. **Pandit Badri Dutt Pande :** What has become of the Nayak Reform Bill ? Is there any possibility of its being brought up at this session of this Council ?

**The Hon'ble Sir Sam O'Donnell :** The honourable member is referred to the answer given to Pandit Nanak Chand Sahib's starred question No. 16 on April 7, 1926.

*(Copy of starred question No. 16 of April 7, 1927, asked by PANDIT NANAK CHAND SAHIB and the answer given thereto.)*

#### QUESTION.

(a) Has the Government received the report of the committee appointed in connexion with the problem of the reform of Naik community ? If so, when was the report received by the Government ?

(b) Does the report contain a Bill ?

(c) What action has the Government taken on the report so far, and when do they propose to introduce the necessary legislation ?

#### ANSWER.

(a) Yes, on September 23, 1925.

(b) Yes.

(c) The draft Bill prepared by the committee required re-casting, and this has been done. As the Bill requires the previous sanction of the Governor General, it is impossible for this Government to make any statement.

**Pandit Badri Dutt Pande :** How long will it take the Government of India to give their sanction—two years, five years or ten years ?

**Pandit Nanak Chand :** Has the Government taken any steps to obtain the previous sanction of the Governor General in Council ?

**The Hon'ble Sir Sam O'Donnell:** We have not been able to send it up. The fact is that during the last year we had many urgent pre-occupations, particularly, the Rent and Revenue Bills, and it was not possible for us to give this Bill the same amount of time as we have been able to give to the other Bills.

**Pandit Nanak Chand:** Has the Bill been re-casted?

**The Hon'ble Sir Sam O'Donnell:** That has already been answered. If the honourable member will look at the answer below he will see that this has been done.

**Pandit Nanak Chand:** By what time does Government expect to forward the Bill for the sanction of the Governor General in Council?

**The Hon'ble Sir Sam O'Donnell:** I do not think that we shall be able to deal with the matter until after the close of the Budget session.

#### PUBLICATION OF COUNCIL PROCEEDINGS IN HINDI.

\* 16. **Pandit Badri Dutt Pande:** What action has Government taken or is it likely to take regarding the publication of the proceedings of this Council in Hindi?

**The Hon'ble Sir Sam O'Donnell:** The cost of publishing the proceedings of Council in the vernacular would be considerable. Government do not think that the publication promises such advantages or is so urgent that at any rate at present the expenditure of the necessary sum on it could be justified.

**Babu Bhagwati Sahai Bedar:** Is it a fact that the majority of the population of this province are Hindus and Hindi-knowing?

**The Hon'ble the President:** It is an argument; it is not in the shape of a question.

**Thakur Manak Singh:** What estimate has the Government made of the cost?

**The Hon'ble Sir Sam O'Donnell:** I think it will probably cost Rs. 60,000.

#### MUNSIFS AND SUBORDINATE JUDGES.

\* 17. **Pandit Badri Dutt Pande:** Will the Government be pleased to state as to when munsifs and subordinate judges are likely to be appointed in the Kumaun division?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan:** Government have been informed by the High Court that in course of time the court will be in a position to judge what civil officers are necessary for Kumaun and where they should be located. Government have received no further communication on the subject from the High Court.

**Pandit Badri Dutt Pande:** Will the Government ask the High Court to expedite the matter?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan:** Recently a reminder was sent to them.

#### JAIL REFORMS IN THE UNITED PROVINCES.

\* 18. **Pandit Badri Dutt Pande:** Does Government intend to appoint a committee to go into the system of jail reforms in the United Provinces? If so, when?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan:** Government have at present no such intention.

\* 19 to \* 22. **Pandit Bhagwat Narayan Bhargava** : [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

**RULES REGARDING TEACHERS HOLDING CERTIFICATES OF UNIVERSITIES OF OTHER PROVINCES.**

\*23. **Pandit Bhagwat Narayan Bhargava** : Has the Government issued any rules or orders in the Education department that teachers holding certificates or diplomas of universities of other provinces should not be placed on the same status of pay, etc., as those of these provinces?

If so, will the Government lay them on the table?

Is it a fact that such distinctions are being made by certain local boards?

**The Hon'ble Rai Rajeshwar Bali** : (a) & (b) The honourable member is referred to paragraph 175 of the Educational Code.

(c) Government have no information.

**HONORARY MUNSIFS IN AGRA PROVINCE.**

\*24. **Pandit Bhagwat Narayan Bhargava** : Will the Government give the total number of honorary munsifs in the Agra province?

How many such munsifs have been appointed in the four districts of Jhansi division?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan** : (a) Eighty-eight.

(b) None.

**Pandit Bhagwat Narayan Bhargava** : May I know the reason why no honorary munsif has been appointed in the Jhansi division?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan** : Presumably no recommendation was made by the local authorities.

\* 25 to \* 27. [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

**GROWTH OF *kans* IN CULTURABLE AREAS IN BUNDELKHAND.**

\* 28. **Pandit Bhagwat Narayan Bhargava** : Is it a fact that increasing growth of *kans* in culturable areas in Bundelkhand is causing great loss to the tenants and zamindars?

**The Hon'ble Thakur Rajendra Singh** : The honourable member is referred to the statement made on behalf of Government during the course of the debate on the resolution moved by Thakur Har Prasad Singh on January 26, 1927.

\* 29. **Pandit Bhagwat Narayan Bhargava** : Will the Government be pleased to give a statement showing the area which has become covered with *kans* during the last ten years in Bundelkhand?

**The Hon'ble Thakur Rajendra Singh** : A statement giving the figures which are available is laid on the table of the honourable member. Figures for the Jhansi district are not available.

(See Appendix B. page 259.)

**Pandit Bhagwat Narayan Bhargava** : May I know if the Government have definitely ascertained that these figures include the areas which are still under cultivation sprinkled with *kans* growth?

**The Hon'ble Thakur Rajendra Singh :** These figures have been supplied to the Government.

\* 30. **Pandit Bhagwat Narayan Bhargava :** Do Government intend to inquire into the reasons of excessive growth of *kans* ?

**The Hon'ble Thakur Rajendra Singh :** The honourable member is referred to the statement made on behalf of Government during the course of the debate on the resolution moved by Thakur Har Prasad on January 26, 1927.

NEWLY CONSTITUTED TOWN AREAS, NOTIFIED AREAS, AND MUNICIPAL BOARDS.

\* 31. **Pandit Bhagwat Narayan Bhargava :** Will the Government be pleased to give the number of newly constituted town areas, notified areas, and municipal boards in each district of the province established during the last three years ?

**The Hon'ble Nawab Muhammad Yusuf :** One town area has been constituted in Azamgarh, one in Gorakhpur, and three in Fatehpur. No notified areas or municipal boards have been newly constituted.

\* 32. **Pandit Bhagwat Narayan Bhargava :** Have the Government converted any town areas and notified areas into municipalities during the last three years ? If so, where and how many ?

**The Hon'ble Nawab Muhammad Yusuf :** The town areas converted into notified areas are—

- (1) Hasanpur in the Moradabad district ;
- (2) Bindki in the Fatehpur district ; and
- (3) Rani Bagh-cum-Kathgodam in the Naini Tal district.

The last-mentioned was amalgamated with Haldwani notified area.

No notified areas have been converted into municipalities.

**Khan Bahadur Hafiz Hidayat Husain :** Why was it necessary to amalgamate Rani Bagh-cum-Kathgodam with the Haldwani notified area ?

**The Hon'ble Nawab Muhammad Yusuf :** I must ask for further notice.

GARIAPHATAK TOWN AREA, JHANSI.

\* 33. **Pandit Bhagwat Narayan Bhargava :** Is it a fact that the Government is contemplating to convert Gariaphatak town area (Jhansi) into a notified area ?

**The Hon'ble Nawab Muhammad Yusuf :** Yes.

\* 34. **Pandit Bhagwat Narayan Bhargava :** Is it a fact that the Government wants to constitute this notified area on the lines of a cantonment board ?

**The Hon'ble Nawab Muhammad Yusuf :** Yes.

\* 35. **Pandit Bhagwat Narayan Bhargava :** Is it a fact that the said town area has passed resolution after resolution to the effect that they want to be included in Jhansi municipality ?

**The Hon'ble Nawab Muhammad Yusuf :** The Government have information of two meetings of the town *panchayat*. At the first the majority voted for inclusion in the municipality. At the second the majority voted for inclusion in the proposed notified area.

\* 36. **Pandit Bhagwat Narayan Bhargava :** Has the Government received the applications in this connexion—one forwarded by the questioner and the other through proper channel, together with a memorial signed by a number of residents? If so, with what result?

**The Hon'ble Nawab Muhammad Yusuf :** The Government have received the application forwarded by the honourable member and are awaiting the application forwarded through the proper channel.

\* 37. **Pandit Bhagwat Narayan Bhargava :** Is the Government aware that the Commissioner of Jhansi division by his letter No. 3944/VIII—6, dated September 13, 1924, suggested to the chairman, municipal board, Jhansi, that the Gariaphatak area should be included in municipal area? Did the chairman agree to this?

**The Hon'ble Nawab Muhammad Yusuf :** The Government are not aware of this.

\* 38. **Pandit Bhagwat Narayan Bhargava :** What objection has the Government now got to sanction the inclusion of Gariaphatak town area into Jhansi municipal area?

**The Hon'ble Nawab Muhammad Yusuf :** The position has changed since 1924. Very considerable developments are in progress at the railway headquarters at Jhansi and will affect a large area, of which Gariaphatak is only a small part. This area is more remote from the municipality than is the cantonment, and its organization as a separate notified area is more suitable and convenient, and more likely to be advantageous to the inhabitants than its inclusion in the municipality.

**Pandit Bhagwat Narayan Bhargava :** May I know what will be the number of members in the contemplated notified area?

**The Hon'ble Nawab Muhammad Yusuf :** I want further notice.

**Mr. C. Y. Chintamani :** May I know in what respect the circumstances have changed since 1924?

**The Hon'ble Nawab Muhammad Yusuf :** The number of railway employees is increasing. The Government of India propose to have a very large railway workshop and they are going to develop a very large area for their accommodation and hence the necessity.

**Mr. C. Y. Chintamani :** Will the honourable minister give an idea of the number of employees in 1924 and in 1927?

**The Hon'ble Nawab Muhammad Yusuf :** I am not in a position to give the information.

**Mr. C. Y. Chintamani :** Have the Government of India informed the Local Government that they are going to increase the number of railway employees in that area?

**The Hon'ble Nawab Muhammad Yusuf :** There will be a large railway staff.

**Mr. C. Y. Chintamani :** Have the Government of India informed the Local Government that they propose to increase the number of railway employees there?

**The Hon'ble Nawab Muhammad Yusuf :** They are going to have a large scheme and they must have a large staff.

**Mr. C. Y. Chintamani :** So it is not a fact but a presumption?



**The Hon'ble Nawab Muhammad Yusuf :** That is the reasonable inference from the fact that there will be large workshops.

**Mr. C. Y. Chintamani :** Did the Commissioner explain to the Government why in 1924 he asked the Jhausi municipal board to make certain proposals and then changed his mind ? Did the Commissioner vouchsafe any reply to the municipal board in their reply to communication ?

**The Hon'ble Nawab Muhammad Yusuf :** I want further notice

**Pandit Bhagwat Narayan Bhargava :** Did the Government make an inquiry from the Commissioner about question No. 37 ?

**The Hon'ble Nawab Muhammad Yusuf :** An inquiry about what ?

**Pandit Bhagwat Narayan Bhargava :** About his suggestion to the chairman and the reply of the chairman to the Commissioner ?

**The Hon'ble Nawab Muhammad Yusuf :** As stated in reply to question No. 37, the Government are not aware of this.

**Pandit Bhagwat Narayan Bhargava :** Was any inquiry made from the Commissioner or the chairman ?

**The Hon'ble Nawab Muhammad Yusuf :** No.

**Pandit Bhagwat Narayan Bhargava :** Why not ?

**The Hon'ble Nawab Muhammad Yusuf :** As the Government were not aware of the affair, the question did not request this

**Pandit Bhagwat Narayan Bhargava :** Are the Government aware that most of the railway servants do not live in this town area, but they live in the city or in the municipal area ?

**The Hon'ble Nawab Muhammad Yusuf :** No, the Government are not aware.

**Pandit Bhagwat Narayan Bhargava :** Will the Government kindly make an inquiry about it ?

**The Hon'ble Nawab Muhammad Yusuf :** What useful purpose will be served ?

**Pandit Bhagwat Narayan Bhargava :** In reply to a question of Mr. Chintamani, the honourable minister has just stated that most of the railway servants live in this area and so an inquiry is necessary.

*(No reply from the Government.)*

**Pandit Bhagwat Narayan Bhargava :** Is it a fact that the Government contemplate including the existing municipal area in the notified area ?

**The Hon'ble Nawab Muhammad Yusuf :** Only a small railway portion.

**Pandit Bhagwat Narayan Bhargava :** Is the Government aware that the cantonment is three miles away, while the municipal limit is one mile from the town area ?

**The Hon'ble Nawab Muhammad Yusuf :** The bulk of the railway area adjoins this town area and is further away from the municipality.

**Babu Bhagwati Sahai Bedar :** Will the population of the railway area be so large as to compel Government to create a town area there ?

**The Hon'ble Nawab Muhammad Yusuf :** It is too hypothetical a question to answer.

**Mr. C. Y. Chintamani :** By what authority was the initiative taken in respect of the proposal to constitute a notified area or a cantonment committee ?

**The Hon'ble Nawab Muhammad Yusuf :** The Government of India took the initiative in the matter.

**Mr. C. Y. Chintamani :** Was it the railway authorities at Jhansi who first took the initiative in the matter ?

**The Hon'ble Nawab Muhammad Yusuf :** I think so, but I would prefer to have further notice.

**Mr. C. Y. Chintamani :** Have the Local Government been addressed by the Government of India ?

**The Hon'ble Nawab Muhammad Yusuf :** Yes.

**Mr. C. Y. Chintamani :** Has the municipal board of Jhansi been given an opportunity to consider the proposals ?

**The Hon'ble Nawab Muhammad Yusuf :** Yes.

**Mr. C. Y. Chintamani :** Have the Local Government given due weight to the representations of the municipal board ?

**The Hon'ble Nawab Muhammad Yusuf :** Yes.

**Mr. C. Y. Chintamani :** Have the Local Government informed the municipal board for what reasons the board's representations have been rejected by the Government ?

**The Hon'ble Nawab Muhammad Yusuf :** It has not.

**Pandit Bhagwat Narayan Bhargava :** Is the Government aware that under section 337 of the Municipalities Act, they have no power to convert a town area into a notified area ?

**The Hon'ble Nawab Muhammad Yusuf :** I think we have powers under the Town Areas Act and this section.

**Mr. C. Y. Chintamani :** Will the Hon'ble Minister be pleased to state whether in matters like this it is the local opinion or the opinion of the railway authorities under the Government of India that has the greater weight ?

**The Hon'ble Nawab Muhammad Yusuf :** It all depends upon the circumstances of the case.

#### TOWN AREA, CHIRGAON.

\* 39. **Pandit Bhagwat Narayan Bhargava :** Is the Government still considering the question of converting Chirgaon town area into a notified area as promised last year ?

\* 40. What difficulties are there in the way of the Government to arrive at an early decision in the matter ?

**The Hon'ble Nawab Muhammad Yusuf :** The question is still under consideration. An important drainage scheme is being carried out at Chirgaon. It will be better to postpone administrative changes until the work is completed.

\* 41 and \*42. **Pandit Bhagwat Narayan Bhargava :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

## REVENUE CASES.

\* 43. **Pandit Bhagwat Narayan Bhargava** : Will the Government be pleased to lay before the Council a statement showing the number of the revenue cases (excluding partition cases) which have been pending before the sub-divisional officers for over three months in Jhansi district from July 1, 1926, up to date ?

\* 44. Will the Government be pleased to state how many dates for hearing were fixed in them when parties had to attend in camp ?

**The Hon'ble Sir Sam O'Donnell** : The number of cases pending for over three months varies from day to day. To give the information for which the honourable member asks it would be necessary to have separate statistics prepared for each of 200 days. Government consider that the labour involved in collecting these figures would be out of all proportion to the value of the result, and do not propose to call for the information.

## HALTING AND DAILY ALLOWANCES TO PATWARIS IN JHANSI.

\* 45. **Pandit Bhagwat Narayan Bhargava** : Is it a fact that in Jhansi tahsil patwaris are asked to attend tahsil on Sundays and other holidays ? If so, for what purpose ?

**The Hon'ble Sir Sam O'Donnell** : Patwaris are not compelled to work on Sundays or holidays. They were assembled on one Sunday, January 9, 1927, when they were already concentrated in Jhansi, as on that day a qanungo inspector sent to Jhansi by the Deputy Director of Land Records was inspecting the work of the preparation of *khataunis* under the new Tenancy Act. They were dismissed after a few hours.

**Pandit Bhagwat Narayan Bhargava** : Are these *khataunis* being prepared by patwaris ?

**The Hon'ble Sir Sam O'Donnell** : They are being prepared by patwaris under the instructions of the qanungo.

**Pandit Bhagwat Narayan Bhargava** : Is it a fact that the patwaris have been instructed to stay for one month at the headquarters to prepare the *khataunis* ?

**The Hon'ble Sir Sam O'Donnell** : They are going to stay for one month at the headquarters for the preparation of these documents, as they are very important under the new Tenancy Act.

\* 46. **Pandit Bhagwat Narayan Bhargava** : Will they be paid any halting or daily allowances as resolved by the Council last year ? If not, why ?

**The Hon'ble Sir Sam O'Donnell** : The payment of allowances to patwaris is governed by the financial rules. Government do not consider that sufficient reason has been shown for their alteration.

**Pandit Bhagwat Narayan Bhargava** : Did the Government take any action on the resolution of the Council passed about the halting allowance of patwaris ?

**The Hon'ble Sir Sam O'Donnell** : There was a resolution, I think, and on that occasion perhaps I said that we are unable to accept the proposal.

SUPERVISOR QANUNGOS.

**\* 47. Pandit Bhagwat Narayan Bhargava :** Is it a fact that according to circulars of the Board of Revenue, supervisor qanungos are required to keep a horse ?

Are they paid any horse allowance ? If not, why ?

**The Hon'ble Sir Sam O'Donnell :** The honourable member is referred to the answer given to unstarred question No. 54 on September 5, 1924.

*(Copy of unstarred question No. 54 and its answer given on September 5, 1924, referred to in the answer to starred question No. 47 for January 27, 1927.)*

QUESTION.

(a) Is the Government aware that the supervisor qanungos are obliged to keep a horse for the efficient discharge of their official duty ?

(b) Is it a fact that they are not allowed any horse allowance ?

(c) Will the Government consider the advisability of granting them such a horse allowance ?

ANSWER.

(a) Supervisor qanungos are not obliged to keep a horse for the discharge of their official duties, but in practice do so.

(b) Yes.

(c) The answer is in the negative.

**Pandit Bhagwat Narayan Bhargava :** Am I to understand that the Government will raise no objection if they do not keep horses ?

**The Hon'ble Sir Sam O'Donnell :** So long as they work efficiently no objection can be raised.

**\* 48. Pandit Bhagwat Narayan Bhargava :** Will the Government be pleased to state what rate of monthly pay is given to them and at what rate do they get promotion ?

**The Hon'ble Sir Sam O'Donnell :** The honourable member is referred to the answer given to starred question No. 117 on December 23, 1925. The service is graded and promotions depend upon the occurrence of vacancies.

*(Copy of starred question No. 117 asked by KHAN BAHADUR MAULVI FASIH-UD-DIN SAHIB and its answer given on December 23, 1925, referred to in answer to starred question No. 48 for January 27, 1927.)*

QUESTION.

What are the grades of the pay of qanungos ?

ANSWER.

|                      |           |    |    | Rs. |
|----------------------|-----------|----|----|-----|
| Supervisor qanungos, | 1st grade | .. | .. | 80  |
| Ditto                | 2nd do.   | .. | .. | 70  |
| Ditto                | 3rd do.   | .. | .. | 60  |

**\* 49. Pandit Bhagwat Narayan Bhargava :** How many supervisor qanungos have been promoted to naib-tahsildarship during the last three years ?

**The Hon'ble Sir Sam O'Donnell :** One in each year : selection of approved candidates for naib-tahsildarship has been suspended during the last three years ; the list had become congested owing to heavy recruitment during the three previous years as a reward for war services.

PAY AND ALLOWANCES TO SUB-INSPECTORS, AGRICULTURAL OVERSEERS,  
AND SUB-DEPUTY INSPECTORS.

\* 50. **Pandit Bhagwat Narayan Bhargava** : What is the pay of the police sub-inspectors, agricultural overseers, and sub-deputy inspectors of schools ?

(See Appendix C, page 260.)

**Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan** : A statement is laid on the table.

\* 51. **Pandit Bhagwat Narayan Bhargava** : Do any of them get any horse allowance, travelling allowance or free house ? If so, what and at which rate ?

(See Appendix D, page 260.)

**Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan** : A statement is laid on the table.

ALLOWANCES TO SUPERVISOR QANUNGOS.

\* 52. **Pandit Bhagwat Narayan Bhargava** : Do the supervisor qanungos get any such allowance ? If not, why ?

**The Hon'ble Sir Sam O'Donnell** : The honourable member is referred to the answer given to unstarred question no. 54 on September 5, 1924

(Copy of unstarred question No. 54 and its answer given on September 5, 1924, referred to in the answer to starred question No. 52 for January 27, 1927.)

QUESTION.

(a) Is the Government aware that the supervisor qanungos are obliged to keep a horse for the efficient discharge of their official duty ?

(b) Is it a fact that they are not allowed any horse allowance ?

(c) Will the Government consider the advisability of granting them such a horse allowance ?

ANSWER.

(a) Supervisor qanungos are not obliged to keep a horse for the discharge of their official duties, but in practice do so.

(b) Yes.

(c) The answer is in the negative.

LEOPARD NEAR RUDRAPRAYAG.

\* 53. **Mr. Mukandi Lal** : (a) Is it a fact that, on December 24, 1926, a young man was killed by a leopard near Rudraprayag ?

(b) Has the beast killed anyone else since ?

(c) What steps is Government taking to get this leopard killed ?

**The Hon'ble Sir Sam O'Donnell** : The Commissioner has informed the Government that a human kill is reported near Rudraprayag, but that he cannot say whether this is purely fortuitous or whether some young leopard has learnt or inherited the tricks of the old one. He proposes to report any further developments. So far there have been none beyond this single casualty.

\* 54. **Mr. Mukandi Lal** : (a) Has the Government any system by which it can find out how many cattle are killed by leopards and other wild animals in the hill *pattis* of the Kumaun division ?

(b) Will the Government be pleased in future to make some arrangement by which it shall be possible to find out how many cattle are destroyed by wild animals every year in the Kumaun division?

**The Hon'ble Sir Sam O'Donnell :** (a) No.

(b) Statistics of cattle killed by wild animals were formerly collected, but in the year 1916 their collection was discontinued, as the Government of India intimated that they were no longer required. Experience has shown that statistics of this kind relating to cattle are so inaccurate as to possess little or no value.

#### CATTLE KILLED BY WILD ANIMALS.

\* 55. **Mr Mukandi Lal :** Will the Government be pleased to inform the Council, so far as figures are available concerning any *patti* in the districts of Garhwal, Almora, and Naini Tal, how many cattle, sheep, and goats were killed by wild animals in the years 1923, 1924, 1925, and 1926?

**The Hon'ble Sir Sam O'Donnell :** Figures are not available.

\* 56. **Mr. Mukandi Lal :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

#### REVISION OF SHOOTING RULES.

\* 57. **Mr. Mukandi Lal :** Has the Government revised the shooting rules? If it has, will it publish them?

**Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** No, but Government are considering draft rules for protected forests. Before any decision is taken, they will be published for objection and criticism.

#### CART-ROAD IN GARHWAL.

\* 58. **Mr. Mukandi Lal :** (a) Has the survey of the cart-road in Garhwal been completed?

(b) By what route does the Government propose to open the cart-road to Pauri?

(c) When is the work likely to commence?

**The Hon'ble Nawab Muhammad Yusuf :** (a) The reconnaissance survey for a cart-road into the interior of Garhwal has been completed.

(b) The question of route is under consideration.

(c) Impossible to say.

#### RINDERPEST IN GARHWAL.

\* 59. **Mr. Mukandi Lal :** (a) When did rinderpest (cattle disease), which is still spreading in the Garhwal district, break out?

(b) Will the Government give approximate figures as to the manner of cattle that have fallen victims to the disease up till now?

**The Hon'ble Thakur Rajendra Singh :** (a) March, 1925.

(b) 7,430 animals are reported to have died.

\* 60. } **Mr. Mukandi Lal :** [*Postponed at the request of Govern-*  
\* 61. } *ment till the first day of the next meeting of the Council.*]

## COMMUNAL FORESTS IN KUMAUN.

\* 62. **Mr. Mukandi Lal** : When does the Government propose to establish communal forests in Kumaun ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan** : The honourable member is referred to the answer given to Pandit Badri Dutt Pande Sahib's starred question No. 12 today.

**Mr. Mukandi Lal** : Is it the intention to appoint a new committee or whether this work will be entrusted to the old committee that was appointed by the Government ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan** : The composition of the committee is under the consideration of the Government.

## RECOMMENDATION OF NAYAK REFORM COMMITTEE.

\* 63. **Mr. Mukandi Lal** : What steps has the Government taken on the recommendations of the Nayak Reform Committee ?

**The Hon'ble Sir Sam O'Donnell** : The honourable member is referred to the answer to starred question No. 15 of today's date by Pandit Badri Dutt Pande.

## REMOVAL OF KUMAUN FROM THE LIST OF SCHEDULED DISTRICTS.

\* 64. **Mr. Mukandi Lal** : What steps has the Government taken with a view to removing the Kumaun division from the list of scheduled districts in accordance with the resolution passed by the last Council ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan** : With the heavy programme of select committees on the Tenancy, Rent and Revenue Bills, the session of Council in June, July, and August and the impending elections, Government could not find a suitable time for the committee to sit last year. Government hope to dispose of the matter in the coming hot weather.

\* 65. **Mr. Mukandi Lal** : [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

## DISTRICT GAZETTES.

\* 66. **Chaudhri Badan Singh** : Does the Government treat district gazettes published under the patronage of collectors and the editorship of deputy collectors in some districts as semi-official or purely private enterprise ?

**The Hon'ble Sir Sam O'Donnell** : A private enterprise.

**Pandit Nanak Chand** : Is it the private enterprise of collectors or deputy collectors ?

**The Hon'ble Sir Sam O'Donnell** : Of *aman sabhas* or district boards or the public.

**Pandit Nanak Chand** : Is the Hon'ble the Finance Member aware that these district gazettes were started on the recommendation of the Decentralization Commission when there was existence of *aman sabhas* ?

**The Hon'ble Sir Sam O'Donnell** : They may have been.

**Dr. Shafa'at Ahmad Khan** : Is the Hon'ble the Finance Member aware that the deputy collector of Budaun is the editor of the district gazette ?

**The Hon'ble Sir Sam O'Donnell :** Yes, in some cases the deputy collectors edit these gazettes.

**Pandit Nanak Chand :** On whose behalf ?

**The Hon'ble Sir Sam O'Donnell :** On behalf of those who own.

**Khan Bahadur Maulvi Fasih-ud-din :** Is the Hon'ble the Finance Member aware that there is practically no committee at Budaun ?

**The Hon'ble Sir Sam O'Donnell :** I have no information.

**Mr. C. Y. Chintamani :** Is there any limit placed on this form of journalistic private enterprise of collectors and deputy collectors ?

**The Hon'ble Sir Sam O'Donnell :** I do not quite follow that question. These gazettes exist for the purpose of publishing information of local interest, mainly, I believe, regarding sanitation, hygiene, and all that kind of thing.

**Mr. C. Y. Chintamani :** Are the Government sure that these gazettes always confine themselves to such matters and never to controversial matters ?

**The Hon'ble Sir Sam O'Donnell :** I have never seen any gazette, so I cannot say.

**Mr. C. Y. Chintamani :** To cut short further discussion, may I make a friendly suggestion to the Hon'ble the Finance Member . . .

**The Hon'ble the President :** I am afraid the honourable member is not in order in making a friendly suggestion.

**Mr. C. Y. Chintamani :** Then, Sir, I will put a supplementary question.

Will the Hon'ble the Finance Member consider the advisability of acquainting himself in greater detail with particulars regarding these publications and taking such action as he may think proper ?

**The Hon'ble Sir Sam O'Donnell :** I do not see any necessity for it. If the honourable member himself supplies me with information I shall look into the matter.

**Babu Bhagwati Sahai Bedar :** Do these deputy collectors or Collectors receive any honorarium for doing this work ?

**The Hon'ble Sir Sam O'Donnell :** No.

**Pandit Nanak Chand :** Is the Government aware that these gazettes were intended to be started on behalf of the district boards ?

**The Hon'ble Sir Sam O'Donnell :** A number of them are owned by the district boards.

**Babu Bhagwati Sahai Bedar :** Is it a fact that in certain districts the District Magistrates have issued orders to courts that all summonses and notices should be sent for publication in these gazettes ?

**The Hon'ble Sir Sam O'Donnell :** I ask for notice.

**Dr. Shafa at Ahmad Khan :** Is the Government aware that local papers complain of the monopoly that these papers have got ?

**The Hon'ble Sir Sam O'Donnell :** I have not received any complaint on the subject.

**Mr. A. P. Dube :** Who finances these papers ?

**The Hon'ble Sir Sam O'Donnell :** By subscription.

**Mr. C. Y. Chintamani :** Collected by whom ?



**The Hon'ble Sir Sam O'Donnell :** By people who own the paper.

**Mr. C. Y. Chintamani :** Not by the collectors or deputy collectors ?

**The Hon'ble Sir Sam O'Donnell :** I do not think.

**Khan Bahadur Maulvi Fasih-ud-din :** Is it not a fact that in certain districts subscriptions are collected by tahildars ?

**The Hon'ble Sir Sam O'Donnell :** That has not come to my notice.

**Pandit Nanak Chand :** Will the Government issue instructions to district officers to hand over these gazettes to district boards where they are prepared to take them ?

**The Hon'ble Sir Sam O'Donnell :** I am not sure that the collector in a district has any direct concern with these gazettes.

**Babu Bhagwati Sahai Bedar :** Is it not a fact that in some districts the accounts of these gazettes are kept in the Government treasury ?

**The Hon'ble Sir Sam O'Donnell :** I ask for notice.

**Khan Bahadur Maulvi Fasih-ud-din :** What advantage does the Government get from this gazette ?

**The Hon'ble Sir Sam O'Donnell :** I think it is to the advantage of the local population and not of the Government.

**Bhaya Hanumat Frasad Singh :** For what purpose are they being run ?

**The Hon'ble Sir Sam O'Donnell :** For the benefit of the local inhabitants.

**Mr. C. Y. Chintamani :** Will the Government issue instructions to the effect that deputy collectors do not edit these papers ?

**The Hon'ble Sir Sam O'Donnell :** I do not see any harm in deputy collectors editing these papers, as no case has come to our notice in which they have been improperly edited.

**Khan Bahadur Maulvi Fasih-ud-din :** Is the Government aware that these gazettes deal with controversial matters ?

**The Hon'ble Sir Sam O'Donnell :** I am not aware of that.

**Khan Bahadur Maulvi Fasih-ud-din :** If that is so, will the Government be prepared to stop it ?

**The Hon'ble Sir Sam O'Donnell :** If the honourable member will bring specific cases to my notice I will look into the matter.

- \* 67. } **Raja Raghuraj Singh :** [*Postponed at the request of*  
 \* 68. } *Government till the first day of the next meeting of the*  
           } *Council.*]

#### UNSTARRED QUESTIONS.

1. **Pandit Badri Dutt Pande :** [*Pos'poned at the request of Government till the first day of the next meeting of the Council*]

#### CART-ROADS IN ALMORA.

2. **Pandit Badri Dutt Pande :** Will the Government be pleased to state when work on the following sanctioned schemes is likely to start :—

(1) Almora Khairana cart-road ?

(2) Vikiasen Ganai cart-road (in the Almora district) ?

**Mr. P. H. Tillard :** The Government is unable to say.

3. **Pandit Badri Dutt Pande:** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

HIGH SCHOOL IN ALMORA.

4. **Pandit Badri Dutt Pande:** (1) Is it a fact that the students from the villages of the Almora district experience great difficulty in finding seats in the two already overcrowded high schools in the town of Almora?

(2) Do Government intend to open another high school in Almora or help in the establishment of two more high schools, one in Pithoragarh and the other in Dwarahat?

**Kunwar Jagdish Prasad:** (1) Inquiries are being made.

(2) The answer to the first part of the question is in the negative. An application for aid towards the establishment of a high school at Pithoragarh has been received and is being examined by the Director of Public Instruction. No application has been received regarding the establishment of a high school at Dwarahat.

5. **Pandit Badri Dutt Pande:** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

VISIT OF DEPUTY COMMISSIONER OF ALMORA TO TIBET.

6. **Pandit Badri Dutt Pande:** (a) Was the recent visit of the Deputy Commissioner of Almora to Tibet official, unofficial or demi-official?

(b) How much of the cost has to be borne by the rate-payers?

(c) If the visit was in connexion with the trading rights of the Bhutias of the Almora district, will the Government be pleased to publish a statement as to what settlement has been arrived at regarding the trading rights of the Bhutia traders?

(d) Is there any proposal of constructing a new cart road from Tanakpur to Tibet?

**Mr. G. B. Lambert:** (a) The visit was officially authorized. Experience shows that occasional visits by British officials effect considerable improvement in the conditions in which the Almora Bhutias carry on their trading operations in Tibet. Several visits have been paid from time to time in past years.

(b) The cost falls entirely on provincial revenues.

(c) The actual trading rights are embodied in a treaty with Tibet. The Deputy Commissioner's visit was designed to remove certain difficulties and grievances put forward by our traders and to establish friendly relations with the Tibetan officials on whose goodwill the interest of British traders in that country largely depend.

(d) No. A proposal for improving the existing road, which is not a cart road, is under consideration.

RECORDING OF *sir*.

7. **Lala Nemi Saran:** (a) What orders have the Government issued regarding the recording of *sir* in the area which is recorded the *khudkasht* of a proprietor in 1333 *Fasli* and 1334 *Fasli*?

(b) Is it the intention of the Government to order a thorough inquiry in all those cases where no *khudkasht* was recorded before 1333 *Fasli*, but it is so recorded in 1333 *Fasli* and 1334 *Fasli*?

**Mr. H. A. Lane :** (a) *Khudkasht* of 1333 and 1334 *Fasli* will be recorded under a separate heading of the *khatauni*; it will continue in future years to be so recorded, until the record officer at a revision of records or any other competent court orders it to be recorded as *sir*, in just the same way as non-occupancy of over twelve years has in the past continued to be recorded as non-occupancy till a competent court has declared it to be occupancy.

(b) Government have already approved of the proposals of the Deputy Director of Land Records, of which the object is to ensure as accurate a record as possible of the *khudkasht* of 1333 and 1334 *Fasli*. To prevent tampering the errata lists of the 1333 *khataunis* are being specially examined by the tahsil staff and a certificate of their correctness by the registrar qanungo required; they will then be examined by the naib-tahsildar, signed by the tahsildar and kept sealed in the tahsil. In the 1334 *khataunis* the supervisor qanungos have been told to check every *khudkasht* entry on the spot, to sign each entry in token of their having done so. Naib-tahsildars, tahsildars and sub-divisional officers have been instructed during their cold weather tour to pay particular attention to the checking of *khudkasht* entries.

#### REVISED SETTLEMENT RULES.

8. **Lala Nemi Saran :** Will the Government be pleased to lay on the table a copy of the revised settlement rules?

**Mr. H. A. Lane :** For the draft rules the honourable member is referred to the Gazette of November 13, 1926, in which they were published for criticism and objection. The rules have not yet been sanctioned by Government.

#### RULING AS TO FORM OF REPLIES TO QUESTIONS.

**The Hon'ble the President :** The honourable member for Bijnor has asked for a ruling on the point whether a member of Government replying to a question has a right to rule out of order a question, or whether it is only the prerogative of the Chair. A ruling about this point has been given by the Chair before. The final authority as to the admissibility or non-admissibility of a question is the President. Before a question can be admitted or can come up before the House, the President must admit it. There is no gainsaying that, but when a question is tabled, it is for a member who replies, to reply in any form he likes. He may give an evasive reply or an indefinite or definite reply. If a non-official member is not satisfied with the reply, there are hundred and one remedies open to express his resentment or of the House on it, but it is perfectly open to a member of the Government to reply to the question in any form he likes. He can frame his reply in any form or manner he likes, and if a member is not satisfied with it, he can put at least further supplementary questions. I hope the honourable members will bear me out that, so far as I am

concerned, I have given them a very wide latitude in putting supplementary questions. I cannot certainly direct a member of Government as to the form or language in which his replies should be couched.

**Babu Bhagwati Sahai Bedar :** Is it not within your jurisdiction to ask any member of the Government to reply to a question in a proper manner, even if a reply from the Government conveys no sense?

**The Hon'ble the President :** The Chair can only leave it to the good sense of the honourable members of this House.

Supplementary estimates were placed on the tables of honourable members yesterday afternoon. Motions for reduction or remission will be taken up to 4 o'clock to-morrow. Ordinarily they ought to be received in the office two days before a demand comes up for discussion, but I understand the Finance department will have no objection if they are received up to 4 o'clock to-morrow as the estimates were only received by honourable members yesterday. I myself would have suspended the standing orders if it was necessary to do so in case there was an objection to the late receipt of motions for reduction.

## RESOLUTIONS.

### RESOLUTION *re* ABOLITION OF COMMISSIONERSHIPS.

**Babu Uma Shankar :** The resolution that stands against my name runs as follows :—

"That this Council recommends to the Government to move the Government of India that the posts of commissioners in these provinces be abolished."

This is not the first time that this question is coming up for discussion before this Council. This question has been agitating the public mind for a long time. For the first time the Government of India appointed a committee called the Finance Committee which along with other recommendations also recommended the abolition of commissioners. At that time several registered bodies and associations also favoured the abolition of commissioners. Then, Sir, came the era of the so-called reforms. During this time Mr. Chhail Behari Kapur of Bareilly tabled a resolution which was also to the same effect. At that time, as is generally done by Government, the Government took a strategic move, and in order to divert the public attention an assurance was given that a committee would be appointed. Mr. Kapur withdrew the resolution on this assurance and a committee was appointed which was presided over by Mr. Fremantle, as he then was. That committee submitted a very lengthy report. In that committee all the non-official members were unanimous. They did not want a single commissioner. On the other hand, Government members wanted that no commissioners should be abolished. However, the non-official members appended a note of dissent to that report. The non-official opinion was expressed in paragraph 15 as follows :—

"In short the non-official members are unable to understand why the Governor with an Executive Council of four members, with a secretariat consisting of eleven or twelve secretaries, including deputy secretaries, under-Secretaries and assistant secretaries, with power to appoint Council secretaries and standing committees, with the Board of Revenue as the highest appellate authority in revenue matters, with power to

[Babu Uma Shankar.]

appoint settlement commissioners or famine commissioners in case of need, with an elective legislative body to represent the people's point of view, with more representative municipal and district boards, with highly developed special departments and with competent district officers in charge of districts aided by district advisory councils, should find it impossible to carry on the administration without the help of an intermediate authority in the person of a divisional commissioner."

However, the unanimous verdict of the committee was that out of ten commissionerships five should be abolished. The Government, however, did not like to give sufficient consideration to this recommendation. Then, Sir, in 1923, Pandit Hirday Nath Kunzru moved a resolution recommending that the Government should adopt the Commissioners Committee's report. At that time also, my honourable friend Sir Sam O'Donnell stated that the Government had not had sufficient time to consider the report. Therefore Mr Kunzru withdrew the resolution.

After one year, when the Government did not like to do anything, several questions were put, but, as is generally done, the Government said that the matter had been referred to the Government of India. In the Legislative Assembly Pandit Pyaro Lal Misra moved a resolution on this subject, but there also the Government of India said that the Local Governments' opinions were invited. So, Sir, till 1924 the Government did not do anything. Then in 1924 during the budget in order to express the feeling of the House on the subject some cuts were moved by the honourable members and they were adopted. In 1925 also during the budget some cuts were moved in the items "Commissioners" and they were also adopted by the House, but the Government did not like to do anything. Then again in 1926 my honourable friend Chaudhri Badan Singh moved a similar resolution. That resolution was discussed for a very long time. During the discussion my friends, Rai Sahib Lala Jagdish Prasad and Rai Bahadur Lala Mathura Prasad Mehrotra moved two amendments which were to the effect that the Government should give effect to the recommendations of the Commissioners' Committee. My friend Lala Jagdish Prasad's point was that if his amendment were adopted, he would carry the Local Government also with him. However, the House adopted that amendment, but still the Government has not done anything. At that time also my friend Sir Sam O'Donnell from the opposite benches said :—

"The Government of India was opposed to the general abolition of the commissionerships, but that the Government was ready to consider the question on its merits and the Government would abolish any particular post if it found necessary."

The Government's point at that time also was that as several important measures were pending, such as the new Tenancy Act, therefore the Government would not give effect to the recommendations of that committee until the passing of the new Act. Now, Sir, the new Act has been passed ; it has been given effect to ; but still the answer which we have received to-day from the Hon'ble the Finance Member to a question of Lala Nemi Saran is : "It is too early yet to say what the results will be." From this answer I presume that the Government still has no mind to give effect to the recommendations of that committee early. Now, Sir, the Government has had sufficient time to consider the recommendations of that committee ; the new Act has been passed ; I do not know what the Government will say now in reply to this resolution. As a matter of fact, after the passing of the Tenancy Act, several

ejection cases, which used to be about three lakhs will not be filed. So there will be almost no appeals in ejection cases; in any case there will be very few cases in which there will be an appeal. If the Government really wants to abolish these commissionerships, it can also make some other provision for these few appeals. It can safely be provided that the appeals lying to the Commissioner should lie to the district judge or to the collector. Thus there now remains very little work to be done by the commissioners.

The commissioner, it is said, has to represent the man on the spot to the Government and *vice versa*. I would simply submit that in the presence of a cabinet of four members and so many district officers it is not at all necessary to maintain the commissioners. The district magistrates can very well approach the Government without this intermediate authority and *vice versa*. The commissioner's post is simply a post office. I would therefore submit that instead of reducing the number to half, the Government should accept my resolution.

With these words I commend this resolution for the acceptance of the House.

**Saiyid Habib-ullah:** I rise to oppose this resolution. My learned friend has not been in Government service and therefore he does not know the duties of a commissioner. He thinks that a commissioner has only two duties to perform, first, to hear a few appeals, and secondly, to act as post officer and forward letters from district officers to Government. Sir, my submission is that it is absolutely necessary for the good administration of districts that there should be somebody to guide the young and *bachcha* collectors or give a friendly and fatherly advice to fiery-tempered collectors. And unless we have got an officer of the rank of commissioner it will be impossible to work the district properly. It is absolutely necessary that there should be a man on the spot, as my learned friend says, to guide and to be on the spot in cases of emergency. Does my honourable friend think that it is the work of His Excellency the Governor to go to far and distant villages and to decide which route should be taken by a procession in case of a dispute and advise the district officer when he is unable to control a situation? Or does the honourable member think that the whole thing should be left to the Executive Council, and that these gentlemen, the honourable ministers and members should go out to these places? Such a step would be beyond practical politics. I do not understand why my learned friend should insist upon the abolition of these commissioners and why he thinks that these officers are doing absolutely no work. I know from my personal experience that many a time critical positions have arisen where the intervention of the commissioners saved the situation, and if there has been no intervention by the commissioner there would have been discontent. That is a mild expression that I am using—probably there would have been bloodshed. I submit, therefore that it is absolutely necessary that these commissioners' posts should be retained.

**Raja Kushal Pal Singh:** I rise most emphatically to oppose the resolution. So far back as in 1909 the Royal Commission on Decentralization very cogently pointed out that the abolition of commissionerships would be a great misfortune and very seriously impair the efficiency

[Raja Kushal Pal Singh.]

of administration. The Royal Commission upon Decentralization observed :—

"We have already indicated that we consider the abolition of commissionerships to be extremely undesirable. Such abolition would inevitably lead to increased centralization, while a well devised system of decentralization must necessarily include the devolution of greater powers to these highly paid officers, who are possessed of large experience and ample opportunities for keeping in touch with the people. There are also many executive functions which commissioners can beneficially exercise, with consequent relief to the headquarters authorities, and a more expeditious disposal of public business. It is a distinct weakness in an oriental country that there should be no local officer to whom the people can go with general grievances, and that they should come to regard the Government as a mere collection of scattered and independent departments. It appears necessary, therefore, to have a local co-ordinating authority, and this function should be assigned to the divisional commissioner. A number of witnesses considered that it was unnecessary to have a Board of Revenue in addition to the divisional commissioners and that one or other of these should be abolished. We hold that commissioners should be retained as a most valuable link in the chain of administration between individual districts and the headquarters administration of the province."

A great deal of water has flowed under the bridge since 1909, but the remarks which applied then against the abolition of commissionerships apply even to-day.

The conclusion that the Royal Commission on Decentralization arrived at was that it was essential not only to retain commissioners, but to give them larger powers both financial and administrative. The honourable mover is in error in thinking that commissioners are like so many post offices forwarding letters to the Government or forwarding letters received from the Government to district authorities. They are the local representatives and agents of the Government. Duties of divers kinds have been cast upon them. I know of commissioners who have to work from dewy morning to dusky evening and do all they possibly can to give a better tone to the administration of the districts within their divisions. A resolution like the one which I am now opposing was introduced into the Bengal Legislative Council some time ago. But it was vehemently opposed by the Government on administrative grounds and ultimately it was rejected. It would be a bad day indeed for our province when commissionerships would be abolished. I believe the Council would set its face against the retrograde proposal made by the honourable mover.

**Khan Bahadur Shah Badre Alam :** There is no doubt in my mind that the chief object of the mover of this resolution is to lessen the expenditure of administration. It is, therefore, with some reluctance that I rise to oppose the resolution. Commissioners are the agency through which the district officers are advised and controlled in the performance of their arduous duties.

Sir, communal strifes are shamefully notorious these days and at an occasion like that it is imperative that some superior officers be close at hand to lead and advise the district officers. My honourable friend Saiyid Habib-ullah has spoken from his experience as a district officer, and I have to say from my own experience that without the commissioners many grievances of the public will remain unredressed, particularly in these days when most of the district officers are inexperienced and young members of the Civil Service of only five or six years' standing. It is within my experience that in matters of local

interest if a man approaches the Governor direct, be he even a member of this House, His Excellency does not, to say the least, appreciate it. It is only the commissioners who with their personal knowledge of the district come forward to help in relieving the situation.

The trouble in the town where I hail from, about two years back, is still fresh in my memory when, if Mr. Mumford, the commissioner of the division had not come to the spot, the situation would have become very serious indeed. It is said, Sir, that the commissioners are only post boxes. This may or may not be true but the fact remains that they are a brake on the actions of the district officers. I should not object to a reduction in the number of commissioners as an experimental measure, but their wholesale abolition will, in my opinion, be disastrous. With these few remarks I oppose the resolution.

**Rai Sahib Lala Jagdish Prasad :** I move, Sir, that at the end of the resolution the following words be added, "or at least be reduced by half."

The honourable mover of the resolution seeks the total abolition of commissionerships, whereas three honourable members who have preceded me consider that the institution of commissionerships is very essential in the interests of administration. I suppose my amendment suggests a *via media* and will perhaps meet the wishes of the honourable members of this House. Although non-official opinion has generally been in favour of the total abolition of commissionerships, we know that the Government have never seen their way to reconcile themselves to this view. And knowing as we do that the final decision in this matter does not rest with the Local Government but with the Government of India and the Secretary of State, we have to consider what the views of the Government of India are in regard to this question. As honourable members are aware, the Government of India have definitely ruled that they are unable to agree to the abolition of commissionerships generally, but would be prepared to consider, on their merits, proposals for the reduction of any particular posts. It will therefore be more in the fitness of things that we recommend to the Government to request the Government of India to reduce the number of commissionerships rather than to abolish them altogether. Then, Sir, we know, as I have just said, the Local Government have never reconciled themselves to the view of commissioners being totally done away with. The last reply that Government gave in this connexion was that they would first see the effect of the new Tenancy legislation on commissioners' appeals before they arrived at a decision in the matter. Although the Commissioners Committee appointed in 1922 unanimously recommended that the number of commissionerships should be reduced from ten to five and this committee consisted of officials as well as non-officials, and was presided over by no less a person than Sir Selwyn Fremantle, but our Local Governments have not yet seen their way to reduce a single commissionership, what to say of giving effect to the recommendations, and I may say unanimous recommendations, of that committee. Thus it seems to me that if we confine our demand to the reduction of commissionerships by half to begin with, we may perhaps be better able to carry the Local Government with us.

Now, Sir, coming to practical politics, I must say that whatever may be the conditions prevailing in the Presidency of Madras, where there



[Rai Sahib Lala Jagdish Prasad.]

are no commissioners, it will have to be admitted that the institution of commissionerships is of long standing in these provinces, and as some honourable members have just pointed out, commissioners have not been merely post offices, but do perform certain duties. We cannot lose sight of the fact that they have to hear appeals from subordinate revenue Courts, and they do exercise a certain amount of control over district officers, some of whom being raw young men are sometimes apt to commit vagaries, of which this House has ample experience. Then they have to perform certain duties delegated to them by the Municipalities Act and the District Boards Act, and so on and so forth. If the commissioners are to be done away with altogether by a stroke of the pen, it will have to be considered to whom these duties should be delegated. But if their number is only to be reduced by half to begin with, I have no doubt that each commissioner can easily cope with the work of two divisions that he would be put in charge of, and he can certainly acquaint himself with the local conditions of each district lying in the two divisions under his charge. And I believe, rather it is my firm conviction, that by this arrangement efficiency will not in any way suffer. So, Sir, from the point of view of the Government of India, from the point of view of the Local Government, and from the point of view of practical politics, I think it will be more feasible that we recommend to the Government that in accordance with the recommendations of the Commissioners Committee the number of commissioners in these provinces be reduced by half to begin with. Of course, when we have gained some experience of how it works we can recommend that the institution may be done away with altogether.

With these words I commend my amendment to the acceptance of the House.

**Pandit Iqbal Narayan Gurtu :** My friend Mr. Habib-ullah in opposing the resolution asked that if the commissioners were abolished who was going to control the *bachcha* and fiery-tempered district officers. My first reply to that question would be that any administration that goes the length of appointing *bachcha* or fiery-tempered officers in charge of districts condemns itself out of its own mouth, and if one wrong is done a second injustice should not be added to it by placing a heavier burden on the shoulders of the tax-payers. It seems to me that the solution of the difficulty lies not in the appointment of ten or twelve or twenty Commissioners but in the appointment of men of sober judgement of experience, of sufficient self-control. I do not know what in practice is the average minimum now of service which a junior civilian in these provinces is expected to put in before he can be placed in officiating charge of a district. But I understand, and I say, subject to correction, that the rule followed at present is that junior officers who may have put in five years of service can be placed in charge of districts.

It is an irony of fate that Government should be driven to the necessity of putting districts in charge of such junior officers while they have available Indian officers in the provincial service of large experience to whom they can entrust the administration of the districts in preference to the junior I. C. S. officers. The policy of the Government is that they must have the steel frame, however rusty that steel frame may be. The policy of the Government is that they cannot

trust their own loyal officers who have been in long service, for the simple reason that they happen to belong to that detested service which is called the provincial executive service. Granting that for various reasons the Local Government is not a free agent in the matter and it is bound to have a cadre of Indian Civil Service men for which it must find employment and whom it must put in charge of districts, is it not possible for the Local Government to pull up the reins by not putting very junior officers in charge of districts and to place only senior I. C. S. officers in charge of districts? It seems to me there should not be very great difficulty in doing that, although personally I think the time has come when districts may be put very safely, even permanently, in charge of Indian officers who have been working so far in what is called the subordinate service. Then is it a fact that the commissioners are really able to control and guide local administration? I remember, when there was a discussion on this question in a previous Council, the then Finance Member, Sir Ludovic Porter, said that the commissioners had to drive "a team of wild horses." He claimed that these officers were able to drive this team very successfully. But is it so? Have there not been instances where commissioners have been unable to do so? Is it a fact that it is only the commissioners who deal with the district officers? Is it not a fact that oftener than not even higher authorities have to deal with them? Must they have these intermediaries? Have these intermediaries always been able to control district officers? Is it not a fact that in the same division there have been districts where there have been troubles, while in other districts there has been no trouble. I take it that if the commissioner is in charge of a division he controls and guides the policy of the district officers in all important matters. At any rate there alone lies, according to the Government, the justification of a commissioner. If that be so, why do we find that in one district in the same division there is peace and awkward situations have been very tactfully dealt with by the local officer, while in the same division we find that the same commissioner has not been able to control the district officers and there have been troubles. Experience shows that commissioners are not really able effectively and in time to control the district officers very much and if they are, then I say it is wrong to have an officer who can constantly interfere with the administration of the local officer. If the local officer is a clever man and has his own judgement he will necessarily resent any interference every time. If the local officer is inefficient, he will necessarily allow himself to be guided by the commissioner. What is the good of keeping an inefficient man? Why should he not be given the sack, and why should not a more efficient officer be placed there? The real difficulty is this: Government finds that on account of its own narrow and short-sighted policy it will not utilize the services of sufficiently experienced senior Indian officers and it will not sufficiently trust them. Has it not been the experience of these provinces that in districts where we have had provincial service officers or Indian I. C. S. officers as district magistrates there have been less riots. Communal riots have indeed been mostly confined to districts which have been under the charge of European I. C. S. officers, particularly junior officers of the Indian Civil Service, because they are not in a position to understand the under-currents of Indian

[Pandit Iqbal Narayan Gurtu.]

social life. But Government will not agree to this; they will persist in their policy of governing the provinces through the "steel frame," and it is because of this difficulty that they are driven to the necessity of having an intermediary in the shape of commissioner to maintain the efficiency of district administration.

Then, it is contended that the commissioner, being a senior and more experienced man, is able very promptly to nip in the bud any trouble that may arise. But let the facts speak. Have the commissioners been able to bring under control the untoward incidents which have happened even at the headquarters of the various divisions? What about places like Meerut, Agra and Allahabad, which are the headquarters of the commissioners and where communal riots have broken out in the past? Were the commissioners able to control the riots there?

My friend Shah Badre Alam said that people preferred to go to the commissioners and explain things to them personally. I thought that the fact was the other way about and that people liked to go to the district officer because he was the man on the spot.

**Khan Bahadur Shah Badre Alam :** I said that people like to take their grievances to the commissioners, particularly when they are against the local authorities.

**Pandit Iqbal Narayan Gurtu :** If the commissioners are abolished, they can take their grievances to other higher authorities, and there is nothing to prevent them from doing so.

**Khan Bahadur Shah Badre Alam :** People like to go to the commissioners.

**Pandit Iqbal Narayan Gurtu :** I do not dispute the fact that people like to go to the commissioners. If the commissioners are there people would most certainly go to them, but if they are abolished they would go elsewhere. The fact that people go to the commissioners, if for nothing else than to pay their respects, does not prove the need of commissioners.

I now proceed to deal with the constitutional aspect of the matter, which was emphasized by Raja Kushal Pal Singh. He read out portions from the Decentralization Commission report, and he justified the retention of commissioners on the ground that it encouraged the system of decentralization. The Raja Sahib said that the Commission, after careful inquiry, came to the conclusion that the root evil of the administration was that it was too much centralized, and consequently suggested that with a view to ensure decentralization it was imperative that more powers be given to the commissioners. I can understand, Sir, this process of decentralization in a bureaucratic system of Government which is based on a hierarchical order. I can very well understand that when you wish to introduce into any bureaucratic system of Government decentralization, it can only be done by delegating certain powers to the next lower authority; but this decentralization is quite of a different character from the decentralization that is to be contemplated in a democratic system. Decentralization in a democratic system means that people have to be more consulted and that more of power has to be given to them. As long as you retain that bureaucratic system you will have to take recourse to these subterfuges and call it decentralization,

but this is not the kind of decentralization which the country needs. We do not so much want the people to go to see the commissioners as that the officials should learn to come more and more to the people and thus know how they think and feel.

Now we have got the reformed system of government. What is contemplated is that more and more of power will be given to the People and their representatives and not to the lower subordinate officials of a bureaucratic government. So that, Sir, that report of the Decentralization Commission does not help us at all in the matter in the year 1927. That report was made at a time when there was a complete bureaucratic system and the system of the reformed Legislative Council and of the transferred departments and of the ministers was not introduced. Now that we have got a reformed Legislative Council and a large number of ministers and members of the Executive Council who look to the day-to-day administration of the province, my submission is that conditions at present are quite different from what they were when the Decentralization Commission submitted its report. It is out-of-date and it is now only of historical interest. These arguments, Sir, will not therefore help us in the solution of the question.

All these points were carefully gone into by the committee that was appointed by Government a few years ago and these questions have been sufficiently answered by the minority report of that committee. It is, therefore, no good trotting out the old worn-out arguments again which have been sufficiently answered. I think that really the time has come when the Government must show its sincerity in this direction. Even the Government members who were on that committee—and they were men with sufficient experience—came to the conclusion that the conditions were such that they could safely propose trying the experiment of reducing the number of commissioners by half. I do not say that they came to this conclusion readily. I do not say that they had not a certain amount of hesitation. But looking carefully into the whole question they did come to a definite conclusion and their recommendations definitely were that they thought that the time had come when commissionerships could be abolished by half. But even that has not yet been done. A reduction of the number of commissioners is not what the public opinion accepts as the final goal. If some of us may be agreeable to the reduction of the posts of commissioners by half, it is not because we think that it is necessary to keep the remaining five, but because we think that those who are a little nervous about this change may perhaps be given some time to find out that even these five commissioners will not be required. In that way some of us may be agree to accept the reduction of commissioners by half, but our real demand is that they should be completely abolished. I would like to wait and see what attitude the Government will take with regard to this question and if we find that the Government is not willing even to accept the amendment, and more to give effect to it, then, Sir, we shall be driven to the necessity of pressing our full demand, namely, that the commissioners should be completely abolished.

**Khan Bahadur Hafiz Hidayat Husain :** I have tabled an amendment to this resolution but I do not propose to move it. I will only support the amendment that has been moved by my honourable friend the member for Muzaffarnagar. Sir, this subject has been discussed so

[Khan Bahadur Hafiz Hidayat Husain.]

many times and discussed so threadbare on the floor of this House that I do not think I will be justified in wasting the time of the Council by a reiteration of the arguments that have been consistently advanced both in support of, and in opposition to, the subject of this resolution. Sir, the honourable mover has not also improved the position in any way by his speech. He gave two reasons. Firstly he said that because appeals that are preferred to commissioners can be decided by the district judges, therefore commissioners are not required. Secondly, he said that the commissioner was a sort of post office midway between the district officer and the Government, therefore he must go. To my mind both of these propositions are untenable. In the first place, the question of revenue work which the commissioners will be required to do under the Tenaucy Act was fully discussed in the last Council and the conclusion was, that purely revenue matters should better be left for decision by revenue officers of experience and therefore the powers that were given under the old Tenaucy Act to the commissioners, although they were curtailed, could not be definitely taken away from them. On the second point it was stated by the Hon'ble the Finance Member during the budget discussion of 1926 that on account of the exigencies of service under which collectors were appointed in this province it was necessary that some superior authority should be maintained on the spot over the Collector. As against this, Sir, it was advanced that the Presidency of Madras was one where commissioners did not exist. But the position of affairs is different in Madras. In Madras no officer of less than 15 to 20 years' service can expect to get charge of a district. On the contrary, here in these provinces officers do not wait longer than, say 5 to 10 years before they are put in charge of districts. Indeed, as a matter of fact, there are districts even to day that are being held by district officers of even 5 years' standing. But any way, Sir, the question of the abolition or reduction of commissionerships has been discussed so many times and the public demand has been so insistent that it was time that the matter was taken up in right earnest. I was, Sir, considerably impressed by the argument advanced by my honourable friend the representative of the Allahabad University when he said that he saw no reason why the taxpayer should be taxed for the maintenance of these officers at their full strength when a reduction could without detriment to the public services be effected. He said that Indian provincial officers of experience are not put in charge of districts in preference to the Indian Civil Service officers of less experience. This, Sir, has been exactly my grievance in the last Council. I have submitted over and over again that it was essential that Indian Provincial officers of approved ability, of integrity, of experience and of quality should be given preference to the Indian Civil Service officers, of less service and less experience in the matter of appointment as district officers. This will contribute to reduction in the strength of the commissioners. But the reply always is that the Indian Civil Service officers are entitled as of right to hold charge of districts, while Provincial Service officers are not so entitled, and, consequently, the privilege of the Indian Civil Service officers, however junior, could not be ignored. But, Sir, to my mind the time has come when, without, discussing the

merits of this claim, a beginning ought to be made, and greater trust and greater confidence should be placed in the Provincial Civil Service officers of approved ability and of approved integrity. I do not think it is right that a batch of officers so loyal and so able and who are the corner stone of revenue administration should be treated in the way they are. This will materially help in the solution of the problem we are discussing. As things are, however, I do think that the retention of the commissioners (reduced in number of course) who are officers of experience and who do a good bit of solid work is absolutely necessary. To quote an instance—and several like this occur: The present holder of the post of Senior Member of the Board of Revenue, when he was occupying the position of commissioner in a certain division, did by his tactful handling of a matter that was brought to his notice avert a situation that might have resulted in disaster to several persons concerned, including the district officer. Therefore, I, think, that in order to control effectively the district officers, to handle questions tactfully, in order to hear appeals, however small their number, in order to bring uniformity into the administration of districts in his division, it is necessary that commissioners should continue with bigger areas in charge. It follows from what I say therefore, that there is absolutely no justification for retaining the present strength of the commissionerships. In 1922 the Commissioners' Commission reported that after five years this question of the reduction of number will be taken up and commissionerships will be reduced. But I do not think that any step has been taken so far to reduce them though the five years mentioned in paragraph 31 of this report have expired. In August, 1925, I interpellated the Government and the reply was that this question will be considered as soon as the effect of Tenancy Legislation on revenue appeals has been seen. I admit that it is rather too early yet to judge of the effect that Tenancy Legislation will have on the work of the Commissioners. But I fail to understand why the Government has not taken up this question in right earnest. So far, Sir Richard Burn, then Finance Member, stated last year that the Government of India was finally considering this question and would shortly announce its decision in the assembly. Later on the decision was announced and it was said that the Government of India will consider the question of the reduction of commissioners on individual merits as soon as proposals were sent up. I would like to know at this stage if any proposals have yet been sent to the Government of India in this matter. It was stated then that Jhansi and Kumaun may come under reduction. But what has the Government done in the matter of reduction of even these two commissionerships? Let me state here that refusal or indifference to handle public questions, of which this is a sorry exhibition, creates a suspicion in the minds of the people that the steel frame is being tightened on them every day.

With these remarks, I support the amendment of my friend, the honourable member for Muzaffarnagar, and I hope the Government will take early steps to abolish at least half the commissionerships in these provinces.

**Mr. H. C. Desanges :** I rise to support the amendment that has been put forward by the mover. I do not hold any brief for the commissioners, but I think this matter which is being brought prominently before the House year after year deserves some consideration. In the

[Mr. H. C. Desanges].

plea that was brought forward by the mover of the original resolution that the post of the commissioners should be abolished, he only put two reasons forward, and they were that the commissioners had little to do. He gave two items of their work, viz., (i) to hear appeals and (ii) to act as a post office. I think from my little experience in districts, that the commissioner has something more than that to do. Rather than saying that he acts as a post office, I would say that his duties are more as the *man-on-the-spot*, that besides hearing appeals he has also work to do in connection with *taqavi*, viz., in connection with its distribution, its remission and its suspension. He has also to control, guide and advise district boards and municipalities. In rising to speak this morning I want to give point to one phase of the work that Commissioners have to do, and that is that the district boards and municipalities should be better advised, should be better guided, should be better controlled in order that the public who contribute to the taxes to district boards and municipalities should get much more in return in their comfort from the municipalities and district boards than they get at present. Any man in the street will tell you that he has got grievances and that he has got grouses against municipal boards, and district boards. Therefore I take this chance to say that the posts of commissioners should not be abolished as a class. I support the amendment and hope that the commissioners may look to themselves and justify their position and especially do that part of their duty in respect of their relationship to municipal and district boards, in order that you and I and the man in the street may benefit.

There is another reason why he is necessary. I am speaking particularly as to municipalities and district boards, because I think it will be admitted on all sides that a commissioner being a member of Government has got before him a certain *policy*, a certain scheme that must be put forward, whereas a body that is composed of elected members for two or three years cannot have a *continuity of policy*. A person who has to look years ahead to the distant future must have some control and some idea of continuing a certain policy. But, Sir, we are agreed to this extent, that whoever has been speaking in the House, they all think that the commissioner has not much to do, that the number of commissioners should be reduced and the Government are to be blamed to this extent that after so many years they have not made the least attempt to do this. We think it is very easy to try the experiment after the recommendations of the "Commission" that one commissioner be put in charge of two divisions at least for one year or two and then see how it works. Then, if they justify their position, they may be retained.

**The Hon'ble the President :** I have no desire to stifle the discussion, but it is now one o'clock and I think it is not the intention of honourable members to continue the discussion of this resolution after lunch, so I hope members will cut short their speeches.

**The Hon'ble Sir Sam O'Donnell :** This question has been discussed and debated again and again. It has been discussed in the press, it has been debated in the Assembly, and on the floor of this House more than once. It was examined at great length by a committee not very long ago. Therefore the arguments on both sides must be familiar to everyone.

The honourable member for the University of Allahabad warned us against using stale and familiar arguments. I might retort that the arguments which he has used are as familiar to us as the arguments on which we rely are familiar to him. Whether our arguments are stale or familiar, they are, at any rate, the arguments on which we rely and I propose to state them as briefly as possible. I think that this resolution raises a wider issue than its terms might suggest. The resolution as it stands refers only to commissioners, but the issue involved is I think wider. The issue which I think is involved is this. Can the supervision, guidance and control which are required be provided entirely by Government or by the head of the department, or is it necessary to have authorities intermediate between the Government and the man in direct executive charge? In a number of other departments there are, intermediate authorities, e.g., deputy inspectors-general, superintending engineers and conservators of forests. The arguments which are directed against commissioners are *mutatis mutandis* or, at any rate, to a large extent applicable to other intermediate posts also, and, in fact, those who are in favour of abolishing commissioners, are in favour of abolishing those other intermediate posts also. I am not sure that logically they ought not to go further and to advocate the reduction or abolition in certain cases of heads of departments. It is true that heads of departments often have certain technical functions to discharge, but they also exercise functions of supervision, co-ordination and control and so far as these functions are concerned, they too, it might be argued, should be abolished. However, I will not press that point. I am content to argue the question without reference to heads of departments.

Now, Sir, in our opinion it would be a great mistake to abolish intermediate appointments such as those of commissioners. We believe that could not be done without a heavy sacrifice of efficiency. It is said that Government themselves are in a position to exercise whatever supervision and control are required. Well, Sir, to that there are two answers. In the first place Government have not the time necessary for it. It is true that there has been a great increase in the strength of the Government, but if any one supposes that members of Government have very little to do, then I can only say that he would not take that view if he were in our position. That, however, is not the fundamental answer. The fundamental answer is that, it is not possible for the Government, for a headquarters organization, to exercise the kind of supervision, co-ordination, guidance and control, which are exercised by these intermediate authorities. Government have not the local knowledge nor the local experience. They cannot be in the same constant intimate touch with local condition, local officers and the local population as commissioners are. It is quite true that there have been extensive changes in the general scheme of administration; there have been great developments of local self-government and a number of separate departments have come into existence, which were not in existence when commissioners were first appointed. But the importance of district administration has not diminished in recent years. It has grown in difficulty and complexity. There is a whole series of matters in regard to which the commissioner has to exercise supervision, guidance and control. Honourable members will find such a list in the report of the Commissioners' Committee. But no enumeration of the separate functions of commissioners can



[The Hon'ble Sir Sam O'Donnell.]

really give an adequate idea of the necessity and importance of the post. Perhaps that can only be fully realized by those who are and have been for a long time in close touch with the administrative machinery and have seen it in its daily working, and amongst those who have had that experience I think there is little difference of opinion.

There is on the contrary a general agreement that the functions of commissioners have not diminished in importance in recent years. On the contrary recent developments have tended to make the post more important than it ever was.

The honourable member for the University of Allahabad has argued that commissioners would be unnecessary if we appointed the right kind of district officers. He says:—Take your men from the experienced officers of the provincial service and then it will not be necessary to have any such officers as the commissioners.

**Pandit Iqbal Narayan Gurtu :** Or of the Indian Civil Service too.

**The Hon'ble Sir Sam. O'Donnell :** Well, Sir, I may assure him that our experience is not that supervision, control and guidance are less necessary in the case of officers who are drawn from the provincial service than they are in the case of the officers drawn from the Indian Civil Service. I may also assure him that he is mistaken in supposing that riots have been confined to those districts in which the collectors or district magistrates were officers of the Indian Civil Service. I am surprised that he has forgotten events which are comparatively recent. I will not give the names of the districts, because I do not wish in any way to reflect on the officers who were concerned, but it is not the case that riots have not occurred in districts which were in charge of officers belonging to the provincial service.

Sir, the same honourable member has argued that there is something incompatible with the present constitution in the existence of posts like those of commissioners. He regards them as part of the old bureaucratic machinery. He thinks that this post might have been required in the old days, but that they are out of place under modern conditions. That is an argument which I find it impossible to follow. In any system of government there must be arrangements for supervision and control of the officers in direct charge: democracy is no exception. Indeed a democratic government is more dependent on well organized civil services, in any other form of government, and in any well, organized service there must be machinery for supervision and control. And the kind of supervision, control and guidance which are required in the case of district administration cannot be supplied by the Government. For that purpose intermediate authorities are necessary.

As regards the amendment, Sir, there are two strong objections to it. In the first place it will in our judgement substitute for the trial of revenue cases an inferior agency. The committee themselves were not enthusiastic in their language regarding the arrangements which they proposed. The utmost they found it possible to say was that they were fairly satisfactory. In our opinion they would be definitely inferior to the present arrangements, and that we regard as a very serious objection to the proposal.

Apart from that we consider that, to double the size of the commissioner's charge could impair the efficient discharge of his functions. I am quite aware that in other provinces larger areas are in charge of commissioners, but it must be remembered that the size of our districts is smaller than in other provinces. I regard the small size of our districts as a very important asset to the administration. It would be a great mistake to increase the size of our district. But the larger number of districts does add to the work falling on the commissioner.

These then are the reasons, though stated, I am conscious very briefly and inadequately, why we consider that commissioners should not be abolished and are opposed to any such sweeping reduction as that suggested by the committee. In any case, so far as this Government is concerned, the question has been settled by the recent orders of the Government of India. The Government of India have decided against the abolition of commissioners. They have said that they are prepared to consider proposals for the reduction of particular posts; that is to say, if arrangements can be made, by redistribution, for a particular post, they are prepared to consider the reduction of that post. These orders not only rule out the abolition of the post of commissioner; they also rule out any such reduction as that proposed by the committee. The only reductions which can be considered are of individual particular posts. As regards that we have said that we are prepared to consider whether any such reductions can be made. As soon as we know the effect of the recent legislation—we anticipate that the Tenancy Act will reduce very substantially the number of revenue appeals coming before commissioners—and as soon as figures are available, we shall see what reduction of work they involve and then we shall be in a position to decide whether any particular post can be reduced.

**Mr C. Y. Chintamani:** The eloquent speech of the Hon'ble the Finance Member reminds me of the old saying that it is the policy of governments to "promise, pause, propose, postpone, and end by letting things alone." Six years ago the Council was assured that there was soon going to come an important reform, the separation of judicial from executive functions. We have seen this morning at what stage we are, and the Indian member of the Executive Council has shown his own keenness for the early introduction of that reform by uncompromisingly declining to address a communication to the Government of India to indicate the earnestness of the Council over the matter.

There was a resolution relating to the Board of Revenue, but I shall not deal with that subject now. The subject of commissioners came before the Council; a committee was appointed; the committee was presided over by an officer of great experience, and included two other members of the Civil Service, one of them being the present Sir Richard Burn who for over five years was, in the language of the then Lieutenant Governor his conscience-keeper. That committee, including three senior members of the Indian Civil Service, not one of them of wicker-work make but of steel-frame, recommended that there could be a reduction in the number of commissioners from ten to five. They considered the arguments pro and con and they came to that conclusion deliberately. All those three officers themselves for temporary periods occupied the

[Mr. C. Y. Chintamani.]

position which the Hon'ble the Finance Member fills. They could not be accused of imperfect knowledge of administrative conditions, or of imperfect zeal for administrative efficiency. On the other hand, it was to be expected, that they bore in mind every important consideration which weighs with the Hon'ble the Finance Member today. That report was submitted, I believe, nearly five years ago. Today in 1927, not only are the local Government not prepared to consider the question of abolition, they are not even prepared to agree to a reduction of the number from ten to five. As regards abolition, the Hon'ble the Finance Member may say that the question has been concluded by authority. But as regards reduction if the Government of India were willing to consider proposals for the abolition of particular posts. Very well, proposals could be made for the abolition of the particular posts of the Commissioner of Jhansi, the Commissioner of Gorakhpur, the Commissioner of Kumaun and two other commissionerships as indicated in the committee's report. But the Hon'ble the Finance Member is not prepared to go farther than to say that, after considering the effect which the new tenancy legislation may have upon the number of revenue appeals, the Government will see what can be done. A test of the direction in which the Council may expect the Government to move has been afforded very obligingly by the Government themselves. We wanted the abolition of Commissioners; there is to be no abolition; we wanted reduction in their number from ten to five; there is to be no reduction. It was whispered that there might be a reduction of two. There has been no reduction, but the number is maintained at ten. And there are at present two additional commissioners. There are now actually ten commissioners, two additional commissioners and one Settlement Commissioner. We thought when, the speech of Sir Ludovic Porter was made in this Council in 1921 on the resolution of Pandit Hriday Nath Kunzru for the abolition of the Board of Revenue, that henceforth there would, at all events, be no necessity of creating such appointments as that of the Settlement Commissioner. But no, there are at the present moment thirteen commissioners functioning in these provinces, and if the temporary increase of the permanent number ten to the number thirteen is an index of the serious-mindedness of the Government to bring about a reduction of the number; if it can be accepted as an earnest of the Government's intentions by any body of members in this Council; they are welcome to allow their hope to triumph over their experience. Experience bids me beware of such sanguineness. I am not anxious, any more than the Hon'ble the Finance Member, to recite the twice-told tale of the arguments for, and against the retention of, these posts. The question has been put tersely by the Hon'ble the Finance Member. He said:—“Is an intermediate agency between the Government and the district required or not?” It is this very question which I happened to discuss in the old Council when the Hon'ble the Finance Member and myself used to meet across the floor in different capacities. My opinion there was very definite, it is still more so today, that so far as general administration is concerned, not only is there no necessity for such intermediate agency but its existence is undesirable. I am of opinion, that administrative efficiency has not been, speaking in general terms, promoted by the existence of that intermediate agency. Now, when the members of the Government have this Legislative Council to face they

will find that the intermediate agency hampers more than it helps, not merely in the departments for which these two honourable members are responsible, but also in those other departments known as transferred departments. Earlier in the day we were discussing by means of questions and answers a matter relating to the municipality of my old constituency of Jhansi. I happened to have obtained from a most unimpeachable source the papers relevant to the subject, and I had no difficulty in seeing before coming into this room that the whole trouble arose from the fact that the Commissioner of Jhansi, having originally made a certain proposal to the municipal board, ran away from that proposal the moment he found that the authorities of the Great Indian Peninsula Railway were of a different opinion. And, things having been manipulated between the railway authorities, the Railway Board and the Government of India, the local Government received a communication from the Government of India and at once they took a decision brushing a-side with very scant courtesy the reasoned representation of the municipal board against the decision which the local Government had taken. So far as the transferred departments go, among which are included municipalities and district boards, my mind was rapidly moving in the direction, and I am now definitely of opinion, that Government's control should be exercised, not through the district and divisional revenue officers but through their own expert advisers. I am not among those who think that local self-government implies complete freedom of control from the central Government. It will be a disaster if local self-Government was taken to mean that. But if the control of the local Government is in reality to be not the control of the minister responsible to the Legislative Council; if that is only to be the technical legal position, if in reality this control should be the control of the commissioner and the collector I cannot reconcile myself to that position. The necessity of control of young, junior, inexperienced, fiery-tempered district officers, the pick of the men who pass what I have been told is the most difficult of examinations in England—it is to these picked officers that this morning these uncomplimentary remarks have been attached—by the commissioner, who is the man-on-the-spot, has been emphasized. What is the meaning of this phrase “the man-on-the-spot”? It has long been a term used in the vocabulary of Indian administration and is understood by the average man to mean that when the man-on-the-spot does a certain act there is very little hope of redress from higher authority, because the dictum is that the opinion of the local officer must be respected because he is the man-on-the-spot. The collector is the man-on-the-spot in a particular district and if there is a complaint against him which comes before the commissioner, the honourable member for Ghazipur suggested that the commissioner would listen very sympathetically to the grievance and redress it. Would he? According to the experience of the vast majority of non-official Indians who have come into contact with them, the attitude of the commissioners is that the collector is bound to be supported. It is a different matter if the collector is not of the steel-frame make; but if the collector and the commissioner are both members of the same service, I should like to know on how many occasions, and in what percentage of cases the commissioner redresses grievances against the collector. Then again the commissioner may be the man-on-the-spot at the headquarters of a

[Mr. C. Y. Chintamani.]

division, but is he the man-on-the-spot for the entire division? Take the Allahabad division. I should like to ask the late commissioner of Allahabad (whom I see here) what facilities he, as the man-on-the-spot, as a commissioner residing at Allahabad, could have to settle affairs in the district of Farrukhabad. In the year 1917 there was a big riot in Farrukhabad. There were grievances against the collector, and people flocked to Allahabad in large numbers with these grievances. Did they get redress from the commissioner, or did they have to approach the Government? In that year, 1917, there was a big riot at Allahabad. There was the commissioner on the spot and the collector and the superintendent of Police. It was the opinion of many of us as non-official observers of the occurrences that the riot could easily have been averted, that certainly it could have been minimized. I happened to go to the commissioner and inquire from him why certain mistakes, as we felt them to be, were allowed to be made by the collector. What was the reply of the commissioner? "I was never consulted." Although the man-on-the-spot, he had not been consulted. Meerut is the headquarters of a division. There was the grain looting, the riot at midday, in Meerut city. To what extent was the commissioner of Meerut division able to bring under control the collector of the district, in taking steps with a view to bring relief to the people? You, Sir, in those days, which for you were days of greater activity and less dignity, had to bring up that question before the Council, and you will remember that a committee had to be appointed by Government, and that the man-on-the-spot, the commissioner, was of little help. It is not necessary for me to multiply instances. I am emphatically of opinion, after having been familiar with the arguments of the other side for at least ten years, after having discussed the question with several officers at a time when those officers used to speak freely to me, who had held the position of commissioner, after listening to the arguments of this side, I am firm in the opinion that the post of commissioner deserves to be abolished, that the earlier it is abolished the better, in the interests of economy, and more even in the interests of administrative efficiency. I will be content if there is any statement forthcoming from the other side that they will be reduced from ten to five, but as no such statement is likely, with a clear conscience and an equally clear judgment, I will give my vote for the motion that has been made by the honourable member for Fatehpur.

**Babu Uma Shankar:** After such a lengthy debate and hearing the opposition from the Finance Member, I simply feel it a pity that the Government chose to oppose this resolution after the passing of the new Tenancy Act. The opposition of the Government at this stage not only gives the direct lie to the professions of the Government, but it shows how callous the Government is to the feelings of the public and of this House. The three honourable members also chose to oppose this resolution, but they have not given any sound suggestions why the commissioners are necessary as intermediary officers. One of the honourable members suggested that sometimes they have to approach the commissioner to have their grievances redressed; but, as my honourable friend from Partabgarh has repeatedly said, very few cases are there when the commissioner likes to upset the order. He simply registers the decrees of the district magistrate. My friend from Jhansi

has said :—Why are you insisting on the abolition of Commissioners ? I wish for the abolition of Commissioners for the sake of economy. If the department is retrenched, there will be a saving of about Rs. 2,19,00 per annum. We insist on the abolition of the post of commissioner for the sake of the tax-payer. We think that the sooner it is abolished the better : it will be not only in the interests of economy, but also in the interests of efficiency. I think that a very strong case has been made out for the abolition of the commissionerships and therefore I commend the resolution for the acceptance of the House.

**The Hon'ble Sir Sam O'Donnell :** The honourable member for Partabgarh has laid great stress on the fact that the committee included a certain number of officials and that those officials agreed to a reduction of the number of commissioners by five. I think that it ought to be obvious to anyone who has studied the report carefully that the officials agreed very reluctantly to this proposal. They agreed to it not because they considered it an ideal solution ; they agreed to it, because they were anxious that the committee should present an agreed-on report. The conclusion was—it appeared to me at any rate—in the nature of a half-hearted compromise to which they reluctantly agreed.

The same honourable member then went on to suggest that we were not serious when we said that we would consider whether any reduction could be made when we knew the effects of the recent tenancy legislation. I am sorry he has come to that conclusion. I cannot see that we have done anything to justify it. I am not aware that we have been dilatory in dealing with this matter. The committee reported, I think, early in 1923. We had been consulted, like other local Governments on the question, and we replied to the Government of India in 1923. The Government of India's orders were announced towards the end of 1925. In the following year the tenancy legislation came before the Council, and we decided that until we knew the effect of this legislation we could not say what the volume of work to be disposed of would be and whether it would or would not justify any reduction.

The same honourable member referred to the appointment of additional commissioners. I am unable to appreciate the bearing of that fact on our intentions as regards the reduction of the number of commissioners. The additional commissioners were appointed because there was an accumulation of appeals under the old Act. We hope that the new Act will substantially reduce the number of appeals that come before the commissioners, and if that hope is substantiated then it should be possible to make some reduction.

I do not propose to discuss the question of the relations of the commissioners with the municipalities, as it is not a matter with which I am particularly concerned. But it seems to me that the conclusions of the honourable member for Partabgarh rest on a very slender basis. He apparently differed from the commissioner of Jhansi regarding a particular proposal and he concludes from that that the commissioner's exercise of control in regard to municipalities is undesirable and that it is the commissioners who exercise control and not the minister. I should have thought, Sir, that that was a very slender basis for a very sweeping conclusion.

He then went on to refer to a riot which occurred in Allahabad, I think, in 1917, and certain disturbances which occurred in Meerut, I

[The Hon'ble Sir Sam O'Donnell.]

think, in 1921. I was not here when the riot occurred in Meerut. I was here when the riot occurred in Allahabad. I think the honourable member is aware that I do not share his views regarding the action taken by the local authorities in connection with that riot. In any case I do not think . . . . .

**Mr. C. Y. Chintamani :** I do not confirm the statement that I am aware that he did not share my view.

**The Hon'ble Sir Sam O'Donnell :** Well, I may inform the honourable member that I do not share his view regarding that. At any rate I do not think the discussion of two riots which occurred one in 1917 and one in 1921, sheds any particular light on the necessity for the reduction or abolition of the posts of commissioners.

Lastly he informed us that he has had experience of the administrative machinery, he knew how it worked, he had discussed it with a number of officials also who were well acquainted with the system and he was of opinion that these posts should be abolished. I know that the honourable member has had some experience of the working of the administrative machinery, and, of course, he is perfectly entitled to any opinion. On the other hand, I hope he will be prepared to concede that I too have had such experience, and perhaps longer and a wider experience, and my conclusion is precisely the reverse of his

*The amendment was put and adopted.*

*The resolution as amended was then put and the Council divided as below :—*

*Ayes, 65 ; Noes, 23.*

**Ayes.**

Mr. H. C. Desanges.  
Babu Prag Narayan  
Babu Ganesh Shankar Vidyarthi.  
Mr. A. P. Dube.  
Pandit Rahas Bihari Tiwari.  
Babu Bhagwati Sahai Bedar.  
Rai Sahib Lala Jagdish Prasad.  
Chaudhri Vijai Pal Singh.  
Pandit Nanak Chand.  
Thakur Manak Singh.  
Thakur Hukum Singh.  
Rao Krishna Pal Singh.  
Lala Nemi Saran.  
Chaudhri Bidan Singh.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Pandit Brijnandan Prasad Misra.  
Pandit Bhagwat Narayan Bhargava.  
Rao Udarbir Singh.  
Babu Kishori Prasad.  
Lieut. Raja Durga Narayan Singh.  
Pandit Deota Prasad.  
Babu Shyam Lal.  
Babu Uma Shankar.  
Babu Kavendra Narayan Singh.  
Pandit Shri Sadayatan Pande.  
Thakur Shiva Shankar Singh.  
Rai Bahadur Thakur Hanuman Singh.  
Rai Bahadur Babu Athanandan Prasad.  
Bhaya Haimat Prasad Singh.  
Babu Ganja Prasad Roy.  
Pandit Badri Dutt Pande.  
Mr. Mukandi Lal.  
Raja Bahadur Bishwanath Saran Singh.  
Rai Bahadur Babu Mohan Lal.

Rai Bahadur Pandit Sankata Prasad Bajpai.  
Maharaj Kumar Major Mahijit Singh.  
Mr. C. Y. Chintamani.  
Haji Abdul Qayum.  
Mr. Muhammad Abdul Bari.  
Maulvi Zahur-ud-din.  
Saiyid Tufail Ahmad.  
Khan Bahadur Shaikh Zia-ul-Haq.  
Lieut. Nawab Jamshed Ali Khan.  
Nawabzada Muhammad Liaqat Ali Khan.  
Hafiz Muhammad Ibrahim  
Lieut. Khan Bahadur Nawabzada Abdus Sami Khan.  
Shaikh Abdulla.  
Khan Bahadur Hafiz Hidayat Husain.  
Maulvi Saiyid Habib-ullah.  
Khan Bahadur Shah Badre Alam.  
Shaikh Ghulam Husain.  
Dr. Shafa'at Ahmad Khan.  
Khan Bahadur Saiyid Jafar Husain.  
Khan Bahadur Shaikh Saiyid Muhammad alias Maiku Mian.  
Khan Bahadur Hakim Mahbub Ali Khan.  
Khan Bahadur Maulvi Fasih-ud-din.  
Khawaja Khalil Ahmad Shah.  
Rai Bahadur Muushi Ambe Prasad.  
Rai Bahadur Lala Bihari Lal.  
Rai Bahadur Lala Mathura Prasad Mehrotra.  
Raja Shambhu Dayal.  
Kunwar Bisheshwar Dayal Seth.  
Raja Jagannath Baksh Singh.  
Pandit Iqbal Narayan Gurtu.

*Noes.*

|   |                                     |
|---|-------------------------------------|
| The Hon'ble Sir Sam O'Donnell.                      | Mr. A. W. Pim.                      |
| The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan. | Mr. A. W. McNair.                   |
| The Hon'ble Rai Rajeshwar Bali.                     | Khan Bahadur Chaudhri Wajid Husain. |
| The Hon'ble Thakur Rajendra Singh.                  | Mr. E. L. Norton.                   |
| The Hon'ble Nawab Muhammad Yusuf.                   | Mr. F. F. R. Channer.               |
| Mr. G. B. Lambert.                                  | Mr. R. J. S. Dodd.                  |
| Mr. E. A. H. Blunt.                                 | Colonel G. Tate.                    |
| Kunwar Jagdish Prasad.                              | Mr. A. H. Mackenzie.                |
| Sir Ivo Elliott.                                    | Mr. G. Clarke.                      |
| Mr. P. H. Tillard.                                  | Mr. E. Ahmad Shah.                  |
| Mr. H. A. Lane.                                     | Rai Bahadur Lala Shyam Sundar Lal.  |
|   | Mr. E. M. Souter.                   |

*At this stage the Council adjourned for lunch.*

*After the recess the Deputy President took the chair.*

### RESOLUTION *re* GRANT FOR THE BENARES HINDU UNIVERSITY.

**Pandit Iqbal Narayan Gurtu :** The resolution that I beg to move runs as follows :—

“That this Council recommends to the Government that it be pleased to contribute towards the funds of the Benares Hindu University by making a provision for a substantial grant-in-aid to it in the budget for 1927-1928.”

The issue that I am raising before the Council today is by no means a new one. It has been raised in the Council in connexion with the Benares and Aligarh universities at least four times in the last two years. The issue is, shall these two universities, which have been built up by the patriotism, the enthusiasm and the self-sacrifice of the two Indian communities—Hindu and Muslim—and which are situated in these provinces, thus serving our interests most, shall these universities be always refused help by the Provincial Government however critical their position may be and however much they may be in need of financial help? On all the four occasions when the matter came up before the House, the non-official members gave a unanimous and a definite reply to this issue. They have been consistently of the opinion that the two universities stand in need of financial assistance badly, and since these provinces derive the greatest amount of benefit from them, the Provincial Government also should contribute towards their funds. Except on one or two occasions, when Government was pleased to grant small amounts for the library of the Aligarh University, Government's reply has always been in the negative and the wishes of the Council have practically counted for nothing. We are thus perforce driven to the conclusion and are sadly reminded of the fact that only Governments which reflect public opinion and are anxious to carry out public wishes—only such Governments are entitled to be recognized as national Governments. Sir, if I rise today to place before the Council the needs of the Hindu University it is not because I am in any way indifferent to the demands and the requirements of the Aligarh University, but I do so because, being a member of the Court of the Hindu University and of its Executive Council, I have been more intimately in touch with its affairs than I can pretend to be in the case of the Aligarh University. But it does not follow that I am in any way indifferent to the interests of the Aligarh University.

Sir, the development of the Benares Hindu University during the last eleven or twelve years has been indeed phenomenal. The Hindu public has risen equal to the occasion and has contributed large subscriptions to the amount of one crore and three lakhs. Arts and science colleges with



[Pandit Iqbal Narayan Gurtu.]

huge laboratories providing teaching up to the M. A. and M. Sc. standards have been built up at the cost of nearly 21 lakhs of rupees. Besides, the Engineering College, which is unique in its character, not only in these provinces, but I make bold to say in India, with its building and equipments has cost the University nearly 18 lakhs of rupees.

Again, the hostels for nearly 1 200 students, the roads and residences for the staff have cost nearly 20 lakhs of rupees. And, as the University is situated at a place which is very far from the town, we had to have our own water-works and our own electric light. Including other necessary expenditure of the University during the last eleven or twelve years our total capital expenditure has come to nearly 77 lakhs. And as, besides 77 lakhs already spent, the university has to keep, under the rules, 50 lakhs at least, if I mistake not, as the reserve balance in hand. The result necessarily has been that the University is in debt. Sir, nobody ever likes to be in debt, much less an institution. It is only the privilege of the Government to remain indebted. It can go to the market and can get any amount of money; even there the Government must have some credit. As I said, no institution would like to remain indebted, as it very often creates a wrong impression on the public mind and people begin to suspect there must be considerable laxity in management, and there must be waste of money. But I have explained to the Council as briefly as I could the reasons why the Hindu University finds itself in debt today. It is hardly necessary for me to point out that any educational institution which works under these difficulties cannot do its work efficiently and achieve its object properly.

Nearly six years ago, when the local Government was approached by the University authorities for help, Sir Harcourt Butler, who has always been very sympathetic towards the Hindu University and for whose enthusiasm and sympathy the University owes its inception, was cordially responsive. On 24th June, 1921, Sir Harcourt Butler's Government sent a telegram saying that they were willing to help the university to the extent of 3 lakhs of rupees for purposes of building. The telegram ran as follows. "Finance Committee has approved proposal to give non-recurring grant of 3 lakhs to Hindu University, sanction of Legislative Council will be asked either by supplementary estimate or in budget according as funds are available." But a few months later a telegram was received from the Government to the effect that the Government regretted that financial conditions did not permit of any contribution being made "at present". The Council will mark the words "at present". The words clearly indicate that the Government was sincere in its wish to help this university, but on account of financial stringency found itself unable to do so just then. The Hindu University kept on approaching the Government several times, but failed. Ultimately Rai Sita Ram Sahib brought a resolution on the 18th December, 1924, before the Council. He made out a good case why the Government should extend its help; but the Hon'ble the Finance Member was stiff and uncompromisingly rigid in his attitude. His chief argument was this: the Hindu and the Aligarh universities were established by an All-India Act and, therefore, they were no concern of the local Government. Non-official members in reply contended that although these universities were established under an All-India Act,

the provincial Government should not forget the fact that they were imparting education to a large number of students who belonged to these provinces, and if these universities did not exist, the students would have gone to the Allahabad and Lucknow Universities, where the cost of education to the Government was much higher per head than the cost of education in the Aligarh and Hindu Universities. The Hon'ble the Finance Member in his reply tried to strengthen his position further by maintaining that, because under the devolution rules framed under the Act of 1919 these two universities were specifically mentioned as central subjects, the provincial Government had absolutely no responsibility for them and was under no obligation. The Hon'ble Finance Member when he made this declaration was conscious of certain difficulties that he had to face. The first difficulty that he had to face was, if the devolution rules meant that the local Government must wash its hands clear, of these two universities, why was the Aligarh University granted by the Government an annual grant of over Rs. 60,000? I hope I shall not be misunderstood by honourable members. It is not my purpose to find fault with this arrangement. In fact I am mentioning this with the object of pointing out that Government has been blowing hot and cold in the same breath. It in one breath the Government says:—"Well, after the Reforms Act of 1919 we have nothing to do with these universities," then how is it that the same Government has taken upon itself the payment out of provincial funds of an amount of over Rs. 60,000 annually? I do not say that it is an unwise policy: on the contrary, I am thankful that the local Government had at least this much of wisdom that they give about Rs. 64,000 to the Aligarh University. But there is no denying the fact that the Government has not in practice followed that rule which it always thrusts in the face of non-official members. The second difficulty which the Hon'ble Finance Member evidently forgot at that time, was that even in the case of the Hindu University Government was not rigidly following this principle. Government was paying to the Hindu University an annual grant in the shape of stipends for teachers in the Training College.

Then the question still remains—and that question was pointedly put by Rai Bahadur Sitā Ram to the Hon'ble the Finance Member. It was this:—If your argument is sound that you have absolutely no obligation to these universities, if you never contemplated giving any help to these universities, why was it that, after the passing of the Act of 1919 when the devolution rules were in force and when these universities were declared central subjects, Sir Harcourt Butler promised—and distinctly promised—three lakhs to the Hindu University as a non-recurring grant? The Hon'ble Finance Member was completely driven in a corner and he said that he could not, of course, deny that the local Government had promised the amount, but he said the Government was not under any obligation to provide money. Well, Sir, it may be that, when the Hon'ble Finance Member felt himself driven in a corner and owing to the exigencies of debate, he had to give that answer, but I am perfectly sure that he must have afterwards felt very sorry in his heart for it. For after all that is laying down a very dangerous proposition. The proposition amounts to this: Government may have promised, but it need not pay. Well, Sir, with the exception of one important matter, namely, the question of the extension of political privileges to Indians,

[Pandit Iqbal Narayan Gurtu.]

our experience so far has been that Government has always been anxious to fulfil its promises. It was strange for the Hon'ble the Finance Member to get up and say that though the promise was made, he need not fulfil it.

**The Hon'ble Sir Sam O'Donnell:** May I inquire to what page my honourable friend is referring?

**Pandit Iqbal Narayan Gurtu:** I am quoting from page 339 of the proceedings for December 18, 1924.

A few months later, on March 2, 1925, and again on March 17, 1925, there were two debates in the Council in connexion with the Aligarh University, but the issue raised was practically the same as in the case of the Hindu University. In March, 1925, the circumstances were a little more favourable. The Government of India had remitted to the extent of 56 lakhs our provincial contribution. The Hon'ble the Finance Member was in a happier mood. In place of the frowning looks which we are accustomed to find, there was a genial smile on his face, and the tonic that he had received had made the proverbial cold financial heart pulsate like the normal human heart. His attitude was a little different from the stiff attitude that he had shown in the first debate. He expressed his sympathy with these universities. He even went the length of saying that he was seriously thinking that year of providing some funds in the budget for the two universities. Unfortunately, the effect of that tonic was only temporary and the Hon'ble the Finance Member had immediately a relapse. During the first part of his announcement there were signs of rejoicings in the House, Hindus and Muhammadans had begun to congratulate each other in whispers, but because of the sudden relapse of the honourable member there was again a gloom in the House. The Hon'ble the Finance Member again began repeating something about the devolution rules which have been acting as a nightmare in his case. Briefly, Government's position was this: while in that particular year they were seriously thinking of providing money they could not do it, first of all, because there were not sufficient funds; secondly, because the money they had in hand was required to be spent over provincial subjects for which they were primarily responsible. Anyhow the position was a little more favourable after those debates than it was in December 1924. The management of the Hindu University again approached Government and on June 1, 1925 it received a very sympathetic reply from the then Education Secretary, Mr. V. N. Mehta. In that letter he wrote:—

"Your list of requests is being scrutinized and, as the Hon'ble the Finance Member stated in the Legislative Council on March 17, the Government will be prepared to consider sympathetically the case of the Benares Hindu University if and when the financial position improves."

I take this letter to mean that the Government has finally and once for all given up that position which it had taken up before, namely, that because these universities were central subjects, therefore Government had absolutely no concern with them. After these repeated discussions in the Council and the above letter from the Education Secretary I feel I am justified in concluding that Government has once for all given the go-by, a welcome go-by, to that position to which the Hon'ble the

Finance Member so long and so fondly adhered. I am further confirmed in this impression by the very encouraging statement His Excellency Sir William Marris was pleased to make on the occasion of his visit to the Hindu University on July 31, 1925. He said:—"We are fully alive to the hopes and aspirations of the university; we take note of its successful record and of its endeavours to make further improvements, and we will consider its needs, when the time comes, with every desire to help the university in every possible way we can. That much I may safely say and more I could not safely say. You will take it as sincerely said."

A few months later the Hon'ble the Finance Member himself was pleased to send a letter to the Hindu University where he reiterated the statement made by the Secretary in his letter and the reply given by His Excellency Sir William Marris. He said:—"I have now been through the budget estimates and I regret to say that the financial position is such that the local Government could not possibly make a grant this year. If and when it improves, we shall be prepared, as you were informed in Mr. Mehta's letter of June 1, 1925, to consider sympathetically the case of the Benares Hindu University, but at present we have no surplus funds which could be made available for this purpose."

Afterwards there was another debate, a fourth debate in the Council, last year. At that time again, further remissions to the extent of 33 lakhs were made in our provincial contribution by the Government of India, but the Hon'ble the Finance Member was again unable to come to the help of the Benares and Aligarh Universities. He repeated his favourite slogan that they had absolutely no concern with these universities as they were central subjects, and he said that the urgent needs of the reserved and transferred departments under their charge must be fully met before they can ever think of dabbling with things which were not their own. Well, Sir, does the Hon'ble the Finance Member seriously expect that a time will ever come during his incumbency of the office or that of his successor or of his successors in interest, when the urgent needs of the provincial subjects would be fully met, when money would be lying idle on hand, when the Government would not know what to do with it and then say:—"All right, let us give it away to the Hindu and Muslim Universities."

Are these two universities really as foreign as the Hon'ble the Finance Member thinks? Take the case of the Hindu University. On December 31, 1926—I am giving you the latest figures—we had in the Hindu University a little over 2,200 students, out of which something like 1,156—slightly more than half—belonged to these provinces. Then we have an engineering college there, where we teach mechanical and electrical engineering; we teach mining and metallurgy; we teach Geology; we teach industrial chemistry. All these subjects, I venture to submit, are not taught by any other university in these provinces or, for the matter of that, by any university in India. I particularly wish to draw the attention of the Government and of the Council to the work, to the great service that the Engineering College of the Hindu University is doing to the community not only

[Pandit Iqbal Narayan Gurtu.]

in these provinces but also to the provinces outside. We have in the Engineering College, which, as I said, was built at a cost of nearly eighteen lakhs of rupees, we have there today about 542 students out of which something like 100 belong to these provinces. The Industrial Commission in its report in 1918 stated that even in the provinces where there was provision for technological training they felt that there was an urgent need of a college for electrical and mechanical engineering and for mining and metallurgy. The industrial commission gave that as their considered opinion. That need which was so urgent and important according to the Industrial Commission has been fulfilled by the Hindu University. Is it not reasonable that the local Government here should recognize and appreciate that work and come to the rescue of the Hindu University and help it in its struggle? Honourable members would be surprised to learn that this Engineering College, which is doing such excellent work, has not yet been able to have a hostel for its students, and the most amusing part of it is that in the hostel that the university had really built for women they had to provide accommodation for the students of the Engineering College. Sir, is this a situation which the Council will look upon as very satisfactory? Honourable members will please note that the Hindu University has been driven to these difficulties simply because it is not able to find money. Will the Government at least help the Hindu University immediately in building a hostel for the Engineering College students? Undaunted by all serious difficulties the Hindu University is going to build a hostel for the Engineering College students. Here is an opportunity for the Government to show its sincerity, to come to the help of the University and say:—"Well, we will share with you your burdens which you are so heroically meeting."

**The Deputy President:** One minute more.

**Pandit Iqbal Narayan Gurtu:** As I am told there is one minute more, I must hurriedly place before the House what are our essential needs. First of all, we must have—I am sorry I am using rather curt language—we must have at least three lakhs which was promised to us as a non-recurring grant. But it is not enough. We also need a recurring grant and we should have at least a recurring grant to the extent which the Government has been pleased to give to the Aligarh University. The Aligarh University is getting Rs. 64,000, I understand, out of which Rs. 14,000 are given for the improvement of Arabic learning. My submission is: Please give us Rs. 50,000 as a recurring annual grant for the Engineering College and Rs. 14,000 for teaching Sanskrit. But that does not by any means exhaust all our urgent needs. We badly need a recurring grant of Rs. 20,000 for Industrial Chemistry. That means we at least need Rs. 84,000 for the present. Then we are going to start an Ayurvedic College. The committee that was appointed by the local Government to go into the question of the organization of teaching of Ayurvedic and Unani courses in these provinces and which was presided over by our distinguished friend Pandit Gokaran Nath Misra, has recommended a recurring grant of Rs. 50,000 for Ayurvedic teaching to the Hindu University and a non-recurring grant of two and a half lakhs for building and apparatus, etc. So, Sir, all these things taken into account, we badly need, leaving aside the Ayurvedic classes, a recurring grant of Rs. 84,000—(1) for the

Engineering College, (2) for the teaching of Sanskrit and (3) for the development of the study of Industrial Chemistry. We badly need a non-recurring grant of Rs. 3 lakhs which would help us in at least wiping out to a certain extent our debt. I hope I shall have the good fortune of hearing from the lips of the Hon'ble the Finance Member that our hopes will not be completely shattered when the budget is presented to us a few weeks hence.

**Shaikh Abdullah :** I rise to support this resolution whole-heartedly and I want to support it not only because I feel that every member in this House should support it, but also because in my position as the treasurer of the Aligarh Muslim University and with my bitter experience of the financial difficulties and troubles I have got all my sympathies with the sister institution at Benares in its financial difficulties. Sir, as stated by my friend the mover, four times before this, resolutions similar to this resolution recommending grants to the Hindu and the Muslim Universities were adopted by this House, but the Government has not paid any attention to the unanimous wish of the representatives of the people. Sir, there may be matters of technical difficulties in the way, but at the same time, when the Government sees clearly and when the Government has got before it evidence that these two universities are doing a laudable work and in fact they are helping the Government in the discharge of its own duties, then there is no reason why the Government did not come forward to patronise and help these universities and relieve them from their financial difficulties. We have got one advantage now that we know what the arguments are that could be advanced against the question of a grant to these universities. The sole argument that I have found from the proceedings was that these universities were a central subject and the provincial Government was not responsible to maintain them or to finance them. Now, Sir, if I refer to the proceedings on the former resolutions I find that the constitutional question of central and provincial subjects did not arise at all. There was nothing in those resolutions but an ordinary wish and ordinary prayer before the Government to help financially the two institutions which are doing a work which nobody can deny to be a great relief to the Government itself. It was an ordinary prayer to be placed before any individual corporation or society for help, and had the Government a will it could certainly find a way to help these universities. Sir, our Government cannot turn to us and say that, though these universities are educating about the same number of students from this province as are receiving education in the Government institutions, still these universities have got no claim upon the provincial funds. Government cannot, of course, and will not be justified to say that out of two sons of Mr. A, a resident of Lucknow, one, who is receiving education in the Lucknow University, has got the right and privilege to be educated at the cost of the Government while the other, who made the mistake of going over to Aligarh or Benares, has forfeited all such rights. These two universities, though in charge of the central Government, are still teaching the children of the tax-payers of these provinces. Our Government of course may say that they have not got the primary responsibility to support these two universities. But there is no use raising the point of responsibility. The simple point is that, had not these two universities come into existence and had they not been located in this province, the result would have been that Government would

[Shaikh Abdullah.]

be bound to make provision for educating this large population of the children who are now being educated in these two universities at a tremendous extra cost. The Imperial Government is in a way giving a little help, and if this help be supplemented by small financial aid from the provincial Government, these universities will not run into debt nor will they have to face such great difficulties as they have to face at present. One argument that was advanced was that these two universities were not under the control or under the supervision of the Provincial Government. Sir, I want to enlighten the House, because I know something of the constitution, that under the constitution of these universities the local Government has been constituted as a Visiting Board and as such has got some important powers of supervision. Some academic and administrative matters which are referred to the Government of India pass through the local Government, and the final orders depend on the notes and comments of the local Government, so that the Government has sufficient power of supervision over these universities. My honourable friend the mover said that the Aligarh University is receiving a grant of Rs. 64,000. I may say for his information that this was the grant which was given to the Muir Anglo-Oriental College, before the university came into existence. It is very kind on the part of the local Government not to have withdrawn this when the college was raised to the status of a university, but since the formation of the university they have shut the door of their generosity against the university and they do not want to come forward to give a single penny for the running of our university. My friend has given figures from which it is clear that the Hindu University is indebted. It is true that the Aligarh University is not in debt. The reason is that we the Muhammadans are a poor community, and so we are cautious in our expansion and growth, but all the same we are underfed. It is impossible for our university if treated like that at this stage, to pick up sufficient vitality and growth and to grow to a proper manhood. I think the two communities, Hindus and Muhammadans, made a mistake in locating these universities in this province. They are proud of their ancient civilizations and think that this province is the cradle of their joint civilization, and they have located their universities here. Otherwise, from a utilitarian point of view, they would have been well advised to have had them in some other province where greater hospitality would have been extended to them. Now, Sir, as my friend the mover has fully discussed the whole point I need not take the time of the Council, but I close with the request, the prayer, to the Finance Member, and I ask him that he will persuade his Government, and persuade himself to come forward to help these poor universities with some money.

**Dr. Shafa'at Ahmad Khan :** I rise to support the resolution moved so ably by Pandit Ljbal Narayan Gurtu. He has brought out facts and figures and has shown conclusively that the Hindu University needs substantial support at the hands of the local Government. Sir, the extent of the debt of the Hindu University may be realized from the fact that, according to its representation to His Excellency the Viceroy when he visited the university, it pays as much as Rs. 80,000 a year as interest on this debt. Now, Sir, that is a very large amount for any

university. It is a very large amount for a body that is progressing, expanding, and developing its departments in every direction. Moreover, Sir, besides this nearly six lakhs of the debt represents the cost of the site which the Government acquired for the university. Four lakhs is the cost of residences for teachers, although they fetch a rent of Rs. 18,000 a year. Nearly four lakhs is the loss they sustained in selling off their Government promissory notes to meet part of the expenditure. Now, Sir, this makes it clear that in a university which symbolizes the hopes and expectations, the ideals of a great community which is destined I hope to develop to make its name in researches into the Indian classical languages in which it specializes, if an institution which is the cynosure of the eyes of both Hindus and Muhammadans is allowed to fall into debt, then I think no Indian, be he Hindu or Muslim, can ever look with a sense of pride upon it. I think it is the duty of the local Government to make a special and adequate grant for this purpose. When we see, Sir, that during the last two years substantial provincial contributions have been remitted, that a scheme has been prepared involving a cost of one crore, for the repair and construction of police thanas; when we know that a large amount has been spent on changes for which no utility can be pleaded in justification; when we know all this, we are compelled to say that a small amount should at least have been spent on institutions which develop our national culture and realize the ideals of the two great communities. Sir, there is one other important factor which must be taken into consideration, and that factor is that this university has established a magnificent college of engineering. Now, Sir, this college of engineering is not designed only for this province. That I admit. It is designed for the whole of India. But the college had not been built, if a very large amount of expenditure had not been incurred, it is perfectly clear that the Government would have had to establish such an institution, it would have been compelled to devise some means whereby the students of these provinces should have been enabled to pursue their studies in the subjects in which the college affords instruction. I am referring here to the mechanical and electrical engineering, metallurgy, geology and industrial chemistry. As regards geology, I believe there is only one chair besides that in the Hindu University in the whole of India. I refer, of course, to the chair of geology maintained by the Calcutta University. Take industrial chemistry. For this particular subject something is being done in the Forman Christian College in Lahore; but the practical aspect of the subject, the utilitarian aspect of the subject, I assert, can only be learnt thoroughly and satisfactorily in the department of the Hindu University. Take the other subjects, mechanical and electrical engineering. Now, Sir, I do not deny that the number of students in the arts classes is unnecessary in these provinces; I do not deny that it would be better for the province if more students joined the agricultural, technical and other professional colleges; nor do I deny that we are receiving more students in those subjects than we can properly train or than we can find employment for; but so far as electrical and mechanical subjects are concerned, nobody will deny that it is the duty of the Government to make adequate provision for instruction in them. This university does provide this type of instruction; and it provides instruction of a very high standard. I remember



[Dr. Shafa'at Ahmad Khan.]

Sir, in 1924 when the Universities Conference was held in Simla and when the representatives of all the twenty-one universities of India were gathered together in the Secretariat of the Government of India at Simla, when questions concerning the universities as a whole were discussed,—I remember, Sir, the pride, the great pride, which every member of the four universities of these provinces took in the existence, development and progress of the engineering college of the Hindu University of Benares. Therefore, Sir, this resolution does not concern merely the Hindu University. It affects, and is bound to influence everybody in these provinces. It is not merely a college of the Hindu University; it is a college for the whole province. We look to the Government to help in this college and give a substantial grant thereto. We have been told by the Hon'ble the Finance Member that it is not the primary duty of the local Government to contribute to or maintain the Hindu University or the Muslim University. I beg to differ from him on this point. I think that it is the duty of Government to provide for the instruction of students who are natives of this province, whether they belong to Allahabad or to Benares. Take the Allahabad University. In the Allahabad University you cannot give instruction to more than 260 students on the science side, as accommodation is strictly limited. Normally only about 260 are admitted to the science departments. Take Lucknow. I gather that even in that University the number of students who can be admitted to the science side is strictly limited. What will you do if students are desirous of taking instruction in such important subject as science. If the Hindu University and the Muslim University had not been in existence, would not the Government have had to make special provision, an adequate provision, for the teaching of these students in important subjects like physics, chemistry and botany? You would have been obliged, you would have been compelled, to make adequate provision for teaching in those subjects. If they had joined the Allahabad or the Lucknow University, the Government would have been obliged to engage a large number of teachers to provide increased accommodation for them, and to spend several lakhs more for that purpose. Take the arts side. At the present time there are over 700 students of the university who are natives of these provinces.

**The Deputy President:** I have no desire to take the pound of flesh from the honourable member, but I understand there are many members who want to speak on this resolution. I will request the honourable member to curtail his speech.

**Dr. Shafa'at Ahmad Khan:** How many minutes have I got still?

**The Deputy President:** You have already taken eleven minutes.

**Dr. Shafa'at Ahmad Khan:** Sir, there are 700 students on the arts side in the Hindu University. Those students would have joined either the Allahabad University or the Lucknow University, and the Government would have been obliged to meet the increased expenditure on these two universities. Sir, the number of students of the United Provinces in the Hindu University who are natives of this province is 1,155 out of a total of 2,204, that is more than 50 per cent. Now, Sir, if they had not joined the Hindu University they would have had to join the Allahabad

University or the Lucknow University and the Government would have been obliged to increase its grant to both these universities in order to enable them to increase their staff, so that the standard of teaching might be maintained.

Lastly, I should like to point out that it is the duty of the Government in a province like ours, where the two great communities, Hindus and Muslims, have got historical centres of culture, learning and scholarship—places like Agra and Benares, which have got associations and immemorial traditions of our culture, our religion and our common civilization—it is the duty of the Government to make provision for the development of that culture, for the growth of that tradition and for fostering the two great classical languages of the two great communities.

[During the above speech the Hon'ble the President resumed the chair.]

**Khwaja Khalil Ahmad Shah :**

جناب صاحب صدر —

میرا خیال تھا کہ اس ریزولوشن میں صرف دو تین منٹ لگینگے اور بعد چند تقریروں کے گورنمنٹ کی طرف سے کہا جائیگا کہ ہم اُس کو منظور کرتے ہیں لیکن میری حیرت کی کوئی انتہا نہ رہی جب میں نے یہ دیکھا کہ اس یونیورسٹی کے متعلق جو کہ نہ تو ندوۃ العلماء ہی اور نہ مولانا محمد علی صاحب کی یونیورسٹی اس قدر مباحثہ کی ضرورت پیش آئی — جہاں تک میں خیال کرتا ہوں یہ یونیورسٹی ہر طریقہ سے گورنمنٹ کی امداد کا حق رکھتی ہے ایسی یونیورسٹیوں کے متعلق یہ جواب نہ ہونا چاہیئے کہ ہم کو اس قدر روپیہ فلاں مد میں دینا ہوتا ہے اس قدر فلاں مد میں دیا جاتا ہے لہذا ہمارے پاس فذت نہیں — کیونکہ ہم دیکھ چکے ہیں کہ وقت ضرورت خود گورنمنٹ کے لیئے یہ یونیورسٹیاں کس قدر مفید ثابت ہوچکی ہیں — اُن کی امداد کرنا اگر ایک طرف ہماری مدد کرنا ہے تو دوسری طرف گورنمنٹ کی مدد کرنا ہی اور گورنمنٹ کی طاقت کو بڑھانا ہے — مگر جب اس قدر بحث و مباحثہ ہوا اور گورنمنٹ کی طرف سے کوئی اعلان نہ کیا گیا تو میں ضروری سمجھتا ہوں کہ چند باتیں آپ لوگوں کی خدمت میں عرض کر دوں — جو راتعات ابھی لائق میمبر صاحبان نے پیش کیئے ہیں وہ تو سب صاحبان کو معلوم ہیں مگر ایک بات جو ہمارے ڈاکٹر شفاعت احمد خاں صاحب نے فرمائی کہ گورنمنٹ ذمہ دار ہے اس سے مجھے اختلاف ہے میری رائے میں گورنمنٹ کے ساتھ ہمارے دوسرا بھی ذمہ دار ہیں — لیکن یہ کہ اگر گورنمنٹ کی دی ہوئی اصلاحات میں ہمارے اُمہا پڑ کاؤنسلوں کا اور ایلکشن کا اس قدر بار پڑ جاتا ہے کہ تعلیم کے لیئے روپیہ کم رہ جاتا ہے تو یہ حضرات ذمہ داری سے علیحدہ نہیں ہو سکتے — گورنمنٹ جس نے پانچ — سات برس سے اپنے ماں باپ ہونے کا ہر طریقہ سے اشتہارات کے ذریعہ سے اور امن سبھاؤں کے ذریعہ سے اعلان کیا اور تمام دنیا اس کو سمجھتی ہے کہ گورنمنٹ بھی اعلان کرتی ہے تو ہم اس وقت اس گورنمنٹ سے درخواست کریں کہ جو پہلا فرض ماں باپ کا اپنے بچوں کو تعلیم دینے کا ہے اس فرض کو پورا کرے اور اس معاملہ میں کفایت شعاری کو مد نظر نہ رکھے —

[Khawaja Khalil Ahmad Shah.]

دوسری بات یہ ہے کہ نئے میمبر صاحبان جب اپنے گھروں میں جائینگے تو پوچھا جائیگا کہ کونسل میں کیا کیا دیکھا تو صاحبان میری سمجھ میں تو یہ آیا کہ کونسل میں سوائے ہندوستان کی خرابی کے اور تعلیم کی خرابی کے کچھ نہ دیکھا - ایک ریزولوشن پیش ہوا کہ بچوں کی جسمانی حالت خراب ہوتی جاتی ہے افسوس ہے کہ مجھے اُس پر بولنے کا موقع نہ ملا ورنہ میں بھی اِس کے متعلق کچھ عرض کرتا - دوسرا یہ ہوا کہ چیئرمین صاحبان تعلیم کو چوپٹ کیئے دیتے ہیں تیسرا یہ ہوا کہ ہائپر ایکشن ڈیپارٹمنٹ میں دو دو برس کے بعد نظر ثانی ہوتی ہے خیر صاحب اُس میں بھی چپ ہو گیا اب آپ بنائینگے کہ کون اِس ریزولوشن سے اختلاف کرتا ہے - یہ کہنا بیجا نہ ہوگا کہ جب سے ریفرم تشریف لائے ہیں ہر طرف ہر ترقی میں اور خصوصاً تعلیم میں رکاوٹ پڑ رہی ہے اِس وجہ سے میں عرض کرونگا کہ جملہ میمبر صاحبان کو چاہیئے کہ بغیر کسی اختلاف کے اِس میں رائے دیں دوسری بات یہ ہے کہ جب شراب ایسی چیز کی آمدنی کو ہم نے کثرت رائے سے قائم رکھا اور یہ ہٹایا کہ اِس میں یہ فائدہ ہے اُس میں وہ فائدہ ہے تو میں نہیں سمجھتا کہ اگر ہم نے ریزولوشن منظور نہ کیا تو ہم اپنے دوستوں سے کیا کہینگے - اب میں سمجھتا ہوں کہ ہمارا فرض ہونا چاہیئے کہ ہم کوشش کریں کہ اِس کی آمدنی کا ایک جز ایک بڑا جز ایسی جماعتوں میں دیں کہ جن کے ہاتھوں میں تعلیم ہے کیونکہ یہ ایک ایسی آمدنی ہے جو ہمیں میمبر صاحبان کی وجہ سے لگائی گئی ہے - اِس کا اگر ہم بدلہ کرنا چاہتے ہیں تو یہی طریقہ ہوسکتا ہے کہ ہندو یونیورسٹی اور مسلم یونیورسٹی میں روپیہ کی امداد دیں •

دوسری بات یہ ہے کہ مسلم یونیورسٹی ہو چاہے ہندو یونیورسٹی ہو اگر اُن کے فائدے کو سمجھ کر تمام ہندوستان کے لوگ اُن کی امداد کریں تو آپ کے صوبے کا کیا احسان ہے - آپ اخبار اُٹھا کر دیکھیئے تو معلوم ہوگا کہ یورپ اور امریکہ میں ہندو یونیورسٹی اور مسلم یونیورسٹی کے حالات سے لوگ دلچسپی لیتے ہیں اگر اُن کی مالی حالت خراب ہوگئی اور اُن پر تباہی آگئی تو اِس کا ذمہ دار یہی ہے یہی صوبہ ہوگا جہاں پر وہ واقع ہیں لہذا ہم کو اپنی طرف سے پورے طور پر کوشش کرنا چاہیئے کہ جہاں تک ہو سکے اپنے فائدے سے اُن کی امداد کریں - میں امید کرتا ہوں کہ جس طرح شراب کے متعلق ریزولوشن کثرت رائے سے پاس کیا گیا ہے اُسی طرح سے اِس مسئلہ میں بھی اِس کی تائید میں دوت دیکر اُس کا الٹا جواب ضرور دیا جائیگا اگر ایسا نہ ہوگا تو میرے خیال میں جو جو وجوہات شراب کے متعلق دی گئی ہیں اُن کو مدنظر رکھ کر آپ صاحبان سوچ لیں کہ اِس کے متعلق یہ اخباروں کے جو نامہ نگار یہاں بیٹھے ہوئے ہیں وہ کیا خیال کریں گے •

The Hon'ble the President: The honourable member has no business to refer to persons who are outside this Council.

Khawaja Khalil Ahmad Shah :

میں معافی چاہتا ہوں •

**The Hon'ble Sir Sam O'Donnell :** This question has been discussed a number of times already on the floor of this Council. The position has not altered since it was discussed last year. We are prepared, as we have informed the University, to consider sympathetically its case, if and when the financial condition has so improved as to enable us to help it. To that position we adhere. We do not wish to press too rigidly the point that the Benares University and the Aligarh University are central subjects and that the responsibility for them rests on the Government of India. We recognize that these universities are doing good work. We recognize that a large number of students in these universities come from these provinces. We cannot indeed accept the proposition, to which Dr. Shata'at Ahmad Khan lent his support, that it is the duty of this Government to provide whatever money the universities may need for the education of those students who are drawn from the United Provinces. If that were to be accepted, it would follow, I submit, that it is equally the duty of every other provincial Government to provide whatever money is needed for the education of the students of that province, and the position would then be that the whole responsibility for providing money for these universities would fall upon the provincial Governments and the Government of India would be entirely relieved of all responsibility. It is by no means the case that all students in the two universities come from the United Provinces. I think it is admitted that half the students in the Benares Hindu University come from other provinces. I do not know what the proportion is in the Aligarh University, but I think I am correct in saying that a large number of Aligarh students come from other provinces.

**Shaikh Abdullah :** 40 per cent. of the students come from other provinces.

**The Hon'ble Sir Sam O'Donnell :** Well, then, 40 per cent. of the students come from other provinces. I am not aware that any other provincial Government has made a contribution to these two universities or has shown any disposition to do so. But we, at any rate, are prepared, if and when the financial position so permits, to give what assistance we can to these universities. At the same time we adhere to the position that provincial subjects have a primary claim upon our resources. The revenues which were allocated to us were allocated primarily for these subjects, and whatever contribution we may make in future to the all-India universities must be without prejudice to our own needs. It is not until the urgent needs of our own subjects have been met that we can consider the question of making any grants to these universities. I have been asked when will it be possible for the local Government to make a grant? To that I say that I do not propose to anticipate the budget. That budget will be before the honourable members before long and they will then be in a position to judge whether all the urgent needs of the provincial subjects have been met. I do not mean that until money has been provided in every department for every object on which money could be profitably spent we should not make any grant to these all-India universities. But I do mean that in our opinion the urgent needs of our own subjects must be met before we can assist these universities. The primary responsibility for these all-India universities rests upon the Government of India. There is no getting away from

[The Hon'ble Sir Sam O'Donnell.]

the fact that they are central subjects. The universities themselves desired that they should be all-India universities and central subjects and the Government of India have recognized their responsibility. They have recently increased the recurring grant to the Benares Hindu University from a lakh to a lakh and a quarter and made a non recurring grant of about five lakhs. We are prepared, as I said, if and when the urgent needs of our own subjects have been met, to consider sympathetically the cases of these universities. But until they have been met, we do not consider that we can reasonably be asked to make any contribution.

It has been said, Sir, that the Local Government promised to make a grant to the Benares Hindu University. The correspondence in question took place at a time when I was not in these provinces, but I looked up the matter and could not find that any unconditional undertaking was given. It is true that the proposal went before the Finance Committee, but I cannot find that it was definitely promised that money would be given. The proposal to give money was contingent on the financial position, and the financial position subsequently was not such as to make it possible to give a grant.

I am referred to the fact that we make a grant of Rs. 64,000 to the Aligarh University. That is an old grant which used to be given to the M. A. O. College before the Aligarh University was established, and that was continued. I have no doubt that if there had been any such grant before the Hindu University was established, the grant would have been continued, but I cannot admit that the fact that an old grant has been continued is sufficient justification for to claim that we should make new grants to these universities even though the urgent needs of our provincial subjects have not been met.

I regret that I am unable to get up and say that I have now got the money and that I accept the resolution. I should like to be able to say: "Yes, certainly we have got the money and you shall have it." It is not possible for me to do so. But, as I have said, if and when the urgent needs of our provincial subjects have been met we shall consider sympathetically the cases of these two universities.

**Pandit Bhagwat Narayan Bhargava:** It is really an irony of fate that we are working under a constitution in which the Government thinks that it is the sole arbiter of the destinies of the Indians. The Government thinks that it is the sole trustee of the purse of our land and that we the representatives of the tax-payers of the country have no voice in the administration of the funds. The Hon'ble the Finance Member has repeated several times in his speech that only if and when the financial position of the country improves the Government can give grants to such universities. I think, Sir, that the financial position of the Government can never improve unless and until they listen to the demands of the public and unless and until they respect the considered opinion of the representatives of the people. Whenever, Sir, we come forward before the Government and suggest measures for retrenchment, the Government opposes us on grounds of efficiency. Whenever we come forward to make any demand on grounds of the efficiency of our institutions, the Government again comes down upon us. In all circumstances

we are opposed. Neither our suggestions for retrenchment are accepted, nor are our demands conceded. If the Hon'ble the Finance Member will care to consider the suggestions already made to him several times on the floor of this House, I think the position can improve very easily. Let the Government abolish the posts of Commissioner. Let them abolish the post of the Inspector-General of Civil Hospitals. Let the post of the Deputy Inspector-General of Police, Criminal Investigation department, be abolished, and I think that with the expenditure which is incurred now on these posts, within a few months, the Government will be able to give the whole grant which is demanded by the Hindu University. But the Government will not do it, because the Government thinks that it alone is responsible for the money of the people and not the people themselves. Whatever the constitution may be, Sir, I think that it is we who have to decide how the money should be spent. The money comes from our pockets. It is not imported from foreign countries. The Government may have constitutional control over the money. But it is we who will decide and who will suggest as to how our money is to be used. The Hon'ble the Finance Member was pleased to say that we shall first attend to the expenditure for which the Provincial Government is responsible. I do not say that provincial universities should be starved. The point is that when we know that the Hindu University is catering to the needs of this very province more than of any other province, it is the bounden duty of this Government to come forward with financial help for the University. I am glad he has not taken up the objection too rigidly, as he said that these universities are all-India institutions. Had it been so, mention of these universities would have been omitted from the General Administration Report of the United Provinces Government. I think his attitude is due to the fact that His Excellency the Governor and also the Hon'ble Minister of Education when they were invited by the Hindu University made speeches on the 31st of July, and His Excellency the Governor in his reply to the Vice-Chancellor admitted that they are not going to take objection on the ground that it is an all India Institution. When that objection is not being taken, I do not see what difficulty is there in the way of the Government to help the University by making retrenchments in the top-heavy expenditure of the reserved departments. Then, Sir, I entirely associate myself with the remarks of Dr. Shafa'at Ahmad Khan when he said that if the Hindu University had not opened classes and also given diplomas of electrical engineering, metallurgy and industrial chemistry, the Government would have been compelled to start institutions to give education in these sciences and subjects. How and where from would it have met those heavy expenditures. With these words I support the resolution. I hope that it will be unanimously passed by this Council and the Finance Member will sincerely stick to his promise to pay the grant to the Hindu University.

**Thakur Manak Singh:** I think it cannot be denied that in 1921 a promise was made by the Government—whether it was a promise to give a grant or to make a demand before the Council,—in any case that promise has not been kept. Now, Sir, the Hon'ble the Finance Member was not correct when he said that there was no unconditional promise made by the Government. I think in 1921 an unconditional promise was made to make a demand from the Council, and in any case this promise has not been kept. It is my painful duty to state that this promise

[Thakur Manak Singh.]

was made in 1921. Since then a reduction to the extent of 29 lakhs has been granted to this Government from their contributions. Even after the grant of these reductions in provincial contributions to the extent of 29 lakhs the Government has not been able to pay the sum of three lakhs which was promised for the Hindu University in 1921 by Sir Harcourt Butler's Government.

Then, Sir, the conclusion is perfectly clear that they are slow in the execution of their intentions. Now, Sir, we have got to consider that a sum of 1 crore and 3 lakhs has already been realized by the Hindu community for the building of this great university. Up till late about Rs. 1,55,000 have been given by the Provincial Government and by the Imperial Government themselves as non-recurring grants and a grant of Rs. 1,55,000 recurring. Even if you capitalize this amount of recurring grant, namely, Rs. 1,55,000, the proportion of the amount collected by the Hindu University, namely, 1 crore and 22 lakhs, is about four or five times the non-recurring grant which has been given by this Government as well as by the Imperial Government itself. Sir, it is the policy of Government to give preference to the encouragement of self-help. If there are any communities who undertake such measures to help themselves, I think it is *prima facie* the duty of the Government to encourage self-help. Now, if this amount of 1 crore 22 lakhs collected by the Hindu community for the financing of this great institution were not there, I think the function which the Hindu University is performing must have been performed by the Government, whether provincial or imperial. So far from the Government helping them, they are showing lukewarmness on one pretext or another. Of course the argument has been advanced by the Hon'ble the Finance Member himself that more than half of the percentage of the students in the Hindu University and probably also in the Aligarh University is from these provinces. If these universities give education to students of those provinces, they certainly need help from this Government. On the contrary the Government has not been able to pay even a small sum of 3 lakhs in spite of the reduction of 29 lakhs in these three years. My painful conclusion is that the Government have been slow in redeeming their promise. Now, Sir, is it the will or the ability which has been lacking? In any case it is up to the Government to redeem that promise now. I do not know how long we shall have to wait till our finances allow us to do so. I think it will be possible for the Government to make up their mind to redeem its promise in the near future. With these observations I support the motion of my honourable friend.

**Mr. C. Y. Chintamani :** I request the Education Secretary carefully to note what I am going to say, so that if he means to reply to my observations he may criticize what I have actually said and not what I have not said.

I have listened with great interest to the speech of the Hon'ble the Finance Member. With a great part of that speech I am happy to say that I am in entire agreement. I agree with him that the Provincial Government cannot be expected and ought not to accept the primary obligation to provide for the needs of whatever may be a central

subject. We are aware of the division of revenues and expenditure between the Central Government and the Provincial Government. It has been an acute and a long-standing grievance that this Government has not been provided with funds adequate to the responsibility with which it has been charged, and I certainly should be averse to a proposition which may transfer to this Government any part of the responsibility that definitely rests upon another Government. Further, I entirely agree with the Hon'ble the Finance Member that we should not assent to a proposition the effect of which will be to divide the responsibility for an all-India university among the various Local Governments in proportion to the number of students that any province may send to this institution and thereby indirectly relieve the Central Government of the responsibility which ought to be assumed by them. Thirdly, I agree with him that the urgent needs of provincial subjects, be they reserved, be they transferred, ought to be met before money is given as a matter of generosity (if you like so to put it) to institutions the responsibility for which must rest with the Central Government. So far I am in entire agreement with the Hon'ble the Finance Member. I was carefully waiting to see whether he would say that the need of every subject for which the Provincial Government is responsible should first be met before it could seriously be thought of making a grant to Benares and Aligarh. I am glad that he did not commit himself to any such unqualified position. On the other hand, he used the phrase "urgent needs". I do not think that any honourable member here, keenly solicitous of progress in the nation-building and other departments, could reasonably quarrel with the position taken up by the Finance Member.

So far we are on common ground, but here I think I shall have to part company with the Finance Member. The first point relates to the promise made by the Local Government. It is not denied that in the year 1921 the Local Government did inform the authorities of the Benares Hindu University that the Legislative Council would be asked to provide for a grant of three lakhs of rupees for the engineering college of the University. The Hon'ble the Finance Member stated that he could not discover any unconditional undertaking or promise. I should not like to argue on the footing of counsel for plaintiff or defendant in a court of law. I never belonged to the profession to which you, Sir, once belonged and the Hon'ble the Finance Member, although he is a member of a service which can combine the judge and the prosecutor in itself, was not on the judicial side. He never went nearer than the Registrarship of the High Court in that direction.

**The Hon'ble Sir Sam O'Donnell:** I was once a subordinate judge.

**Mr. C. Y. Chintamani:** I am sorry I have done him less than justice. At any rate as an Indian Civil Service Subordinate Judge I expect he would have been very impatient of lengthened arguments of counsel on either side on the definition of words. What is an undertaking, what is an obligation, what is a promise, when does a promise become unconditional, when does it not become? I do not think the honourable member as a subordinate judge would have been very patient with a disquisition of that description. My perusal of this document addressed to the Local Government by the Pro-Vice-Chancellor of the Hindu University combined with my recollection of the facts of the year 1921 inside the Government—the Education Secretary is very



[Mr. C. Y. Chintamani.]

minutely studying the file and he can correct me if I am wrong—is that the Local Government on the reserved side fully intended to make a grant of three lakhs and did not keep that fact a secret. Between 1921 and 1927 that promise—the Finance Member would like to call a proposal—even in this last speech of his by a slip of the tongue he said promise, but immediately corrected that into proposal—call it promise; call it proposal—during these long years it has remained unfulfilled. I put it to the Hon'ble the Finance Member that he would be vastly enhancing the credit of the Government of which he is so important a part if, instead of creating the impression upon the unsophisticated mind of the public that the Government would like to take advantage of some technicality in order to wriggle out of the statement made in 1921, he would get up and say: "Here is the promise that has remained unfulfilled. Never mind whose might be the responsibility, I consider that, the Government should honourably fulfil that promise; and this grant of three lakhs shall be made in the year 1927-28. Having done that, let me put other proposals from the University to the test which I prescribe and see to what extent, if at all, I can meet their wishes." If he would not follow that line; if he would continue to say, as I find from previous debates in the Council he did say: "unless this is done, that is done and a third condition is fulfilled, I cannot take any step to give these three lakhs to the University," he will compel me for one to recall the cynical definition of "promise" given by the present Earl Balfour when he was taken to task in the House of Commons for failing to fulfil a promise of the Government of which he was the head. Mr. Balfour rubbed his eyes and with a very innocent look said: "Promise? What is a promise in politics? A promise is something which is only intended to be fulfilled if we are pressed to do so." Further, he said: "I made no promise to the other side. I was thinking aloud and I was telling my political friends what my intention was and I am not bound by anything that I said." The Government find themselves very often unable to be progressive. That might be too much of a strain upon them. They might not have the imagination to be sympathetic. We can have no quarrel with them over their limitations, either inevitable or self-imposed, but at all events they should enhance their moral credit by acting in such a manner that nobody should be able to say: "Here is something which you gave us to understand you would do, but which you have not done". This is the appeal which I would make to the Government, and if that promise of 1921—the Finance Member will excuse me for preferring the word "promise" to the term "proposal"—is not fulfilled, I shall certainly be in the ranks of the opposition to vote against the Hon'ble the Finance Member today and on any subsequent occasion when the subject may come up.

There is another point. The fact is there that 1,156 students out of 2,150 in the University do belong to the United Provinces, and that one of the most important institutions of the University, the institution which I value most, is the college of engineering, an institution which every one, including so competent a judge as Sir Thomas Holland, has highly appreciated. The Education Secretary will remember—he is now also Industries Secretary and therefore he must be knowing—that this Government intended to establish at Lucknow a college of mechanical engineering. Great progress was made with the preliminary

stages of that proposal, but it got stuck up for want of funds. If it had materialized, very many more lakhs would have had to be spent upon it at the commencement as well as year after year than the sum that the Local Government would be required to spend if it made a grant, howsoever liberal, for the engineering college of the Benares Hindu University. It is not a civil engineering college like the Roorkee institution ; it supplies a felt want, a want which the Local Government after years of deliberation and preparation have found themselves unable to fulfil. I put it to the Local Government that they would not only be doing a service to the Benares Hindu University, but they would also be doing a service to engineering education in the province if they made some arrangement with the authorities of the University by virtue of which a certain number of students nominated by the Local Government should be admitted. Whatever right of inspection the Local Government might want might be accepted by the other side and a substantial grant made for the maintenance and expansion of that institution year by year. If the Local Government had established their own college, there would have been less reason for the proposal which I make. I think this is within the limits of practical politics ; it is reasonable ; it is fair. I do not wish to take up more time on this resolution and I conclude with this appeal to the Hon'ble the Finance Member : having satisfied himself with the enunciation of the theoretical position with absolute correctness, and enunciation with which I have no wish to quarrel having also stated that in the future he would first attend to his own immediate requirements before he thought of generosity, still he should first fulfil the promise which his predecessor made and he should next consider this proposal about the college of engineering, and, thirdly, whenever he was in a financial position to meet the demands from Benares and Aligarh with sympathy, he should do so with a generous heart instead of satisfying himself with technical correctness. This is my appeal to the Local Government. I think no appeal could be more reasonable or more modest, and if it is not listened to, well we can draw our own inference.

**Kunwar Jagdish Prasad :** I wish to inform the House at once that no one on this side of the House has anything but sincere interest in the work that is being done by the two all-India universities, I mean the universities of Aligarh and Benares. We appreciate the self-sacrifice the two communities have shown in bringing into being these universities, which aim at carrying out the national traditions of the Hindus and Muhammadans of this country. Therefore in anything that I have to say today I will not be understood, I hope, by the House as being out of sympathy with the aims and objects of either the University of Benares or the University of Aligarh.

The main discussion for the moment, after the speech of my honourable friend, the member for Partabgarh, hinges on the fact whether in 1921 the Government, of which he was then a member, made a promise, an unqualified promise, without any qualifications as to the financial position being good or bad, without any qualification of money being available or not available, that they would under all circumstances give to the Benares Hindu University a non-recurring grant of three lakhs of rupees. I think this is the main issue which has arisen out of the debate—

[Kunwar Jagdish Prasad.]

whether the Government of Sir Harcourt Butler made an unqualified promise to give to the Benares Hindu University a non-recurring grant of 3 lakhs of rupees. Well, Sir, I have been through the papers. As far as I can see, as is usual with Governments when making any statements about financial assistance, the Government of Sir Harcourt Butler took as much care as the present Government do or I believe any future Government which may come into existence will do in making that statement. No Government can give an unqualified promise that whatever might happen, whatever may be the situation, whether there may be floods or whether the excise revenue may dwindle, that in all circumstances and without any regard to the immediate needs of the province, a certain grant will be given to an institution which, when all is said and done, is a central subject. I do not think if the papers are seen that it will be found that any such unqualified promise was given, and I do not know that I ever discussed this point with my honourable friend the member for Partabgarh.

**Mr. C. Y. Chintamani:** No.

**Kunwar Jagdish Prasad:** Nor do I ask him to reveal any secret. I do not know that while he was a member of the Government he pressed upon the Hon'ble the Finance Member that this promise which had been made in 1921 should be fulfilled. I do not ask him to reveal any secrets. I do not know whether he used his persuasive powers, his influence as a very powerful member of the Government, to tell them what he is telling today: "Here you have made a promise and you have not fulfilled it. Here you are telling the University in January, 1922 that you cannot make good that promise. Is this right, is this correct that this Government, of which I am a member, should send out a letter to the Benares Hindu University in these terms? If you do so, you will be doing a thing which does not redound to the credit of any Government, and I who am a member of this Government must strongly protest against this action." I do not know if my honourable friend made any such protest or whether he brought the arguments which he has put forward today to the notice of his colleagues or to the notice of His Excellency the Governor.

**Mr. C. Y. Chintamani:** A categorical reply to the honourable member's statement can only be made if I get the permission of the then Governor of the province, Sir Harcourt Butler. Without that no reply can be given, and I do not want the Council to infer from the absence of a reply that I agree to the implication of his statement.

**Kunwar Jagdish Prasad:** Anyhow this is the position, that no provision was made as long as the honourable member for Partabgarh was a member of the Government. So far as I have been able to see from the papers, I have no knowledge of any private conversations that might have taken place between my honourable friend and the Governor—there is nothing on public record and which could be produced in this Council which could show that my honourable friend used the arguments or indited a minute containing the arguments which he used in the Council today. That is the only point to which I have to reply. I again say, as my honourable friend the Finance Member has said, that when the financial position improves and when the urgent needs of the

province have been met, we shall be prepared to consider sympathetically the need of the Benares Hindu University.

**Pandit Iqbal Narayan Gurtu :** I am sure the House deplores the domestic squabble that has just gone on between an ex-Minister and the permanent Secretary to the Government. The non-official members are not at all interested in this personal squabble. Sir, we are quite familiar with the tactics that clever advocates employ whenever they have a weak case. Very often they take up some minor point in order that the attention of the judge may be directed to some non-essential matter and he may get confused. I hope the Hon'ble the Finance Member and the Education Secretary will admit that when I moved the resolution I did not say that Sir Harcourt Butler's telegram amounted to an unqualified promise. What we understand by promise generally is a sincere intention to do a thing and a clear announcement of such intention. Sir, I am not here to define the word promise. Mr. Balfour defined promise in his own inimitable manner. As a layman I take it "promise" means an expression of sincere intention to do a thing, and there is no getting over the fact that the Government at that time sincerely desired to help the Hindu University and had given expression to it in a frank manner. There is no getting over that fact. No one who has the slightest experience of public matters will ever say that any Government could ever make an unqualified promise and could override all constitution. We are quite aware that even when a Governor or the Governor General makes an announcement, it does not legally or under the constitution bind the entire Government. But we know equally well that no head of the Government will definitely make an important announcement without previously consulting his official advisers. It may have been possible in the old autocratic system of government, but we are under a different system of government, however autocratic it may be in spirit even now. The point is this. There was undoubtedly a sincere expression of an intention. It was certainly subject to certain conditions. I read out that telegram myself and these are the qualifying phrases: (1) "if the Council would permit," (2) "as funds are available." I did not quote that letter to show that it was an unqualified promise. I quoted that letter to meet the argument of the Hon'ble the Finance Member which he has been pressing on the House for the last two or three years that these universities were absolutely no concern of the Local Government. I laid prominence on that letter in order to show that the constitutional aspect of the question on which the Hon'ble the Finance Member was laying so much emphasis must have been present in the mind of the Government as the offer of a grant was made two years after the Reforms Act was passed. When the Local Government sent that telegram publicly, it certainly meant to do something for the Hindu University. It never meant rigidly to adhere to the letter of the law as the Hon'ble the Finance Member has been doing all these two years. Nor did I ever say in my opening speech that it was the bounden duty of the Hon'ble the Finance Member or his predecessors to give the money to the University whether or not there was sufficient money available or quite regardless of the interests of other institutions and the urgent needs of the provinces.

I have no doubt that if the Government, instead of quibbling with the technical aspect of the question, had spent their energy in trying to fulfil their promise, they would have found occasions during the last

[Pandit Iqbal Narayan Gurtu.]

six years of giving effect to it. I was for three years a member of the Council, and I know very well that we passed through a period of heavy deficits. But my quarrel with the Finance Member is that when the circumstances were more favourable, when a remission of 56 lakhs in the provincial contribution was made by the Government of India in the first year and of 33 lakhs in the second year, if, instead of raising too many technical objections, the Finance Member had only made a little effort to fulfil a promise, he would have succeeded in giving effect to it, if not in one year, at least in two years or more. But I am glad that even he with his rigid interpretation of the law has changed. Sir, there was a very important discovery made by Darwin in the nineteenth century, the theory of evolution. And since then philosophers and thinkers have been applying that theory of evolution not only to the physical forms and their functions, but also to sociology, politics, administration, and so on. I feel I can safely apply it in this case to our Local Government, and particularly to the mental evolution of the Hon'ble the Finance Member. He has passed through the stage of "no concern" where as the conscience keeper of the Government he felt he had nothing to do with the Hindu and Muslim Universities. He kept on to it for a number of years, but the Finance Member has now evolved to the stage which I would characterize as the stage of "if and when." Now that we find him in the "if and when" stage, our business is to see that the Finance Member should quickly pass in his evolution through that stage and come to the final stage of redemption. Let him feel that he has to redeem a promise. Let him feel that his Government is in honour bound to carry out that promise. I am perfectly sure if he begins to feel like that he will soon find a way and an opportunity of fulfilling that promise. I am sure the House will join with me in the prayer that the day of redemption may soon come to the Finance Member. Sir, if I had time, I would have shown that the Hindu University would have saved the discredit of being in debt if it had not taken in hand the engineering college. I have stated that this college alone had cost the University 18 lakhs. If the University had not taken that up, they would not have had this debt to face, and member after member has shown how the engineering college has done good service to the province and the country. If the Government would only come to the help of the engineering college, if it could immediately give a non-recurring grant which would enable the University to build a hostel for the engineering college, it would be doing great service to the University. I will take no more time, I would only close with quoting a passage from the speech which His Excellency Sir William Marris made when he visited the Hindu University in 1925. He said: "I acknowledge the services which the University is doing to the province. We shall not take our stand too rigidly, I hope, on the narrow ground that it is an all-India university, and that we as a Provincial Government have no concern with it, that we are under no legal obligation or have indeed no legal right to help it. I quite realize what sort of a rejoinder might be made to that objection. I think my honourable colleague, the Minister of Education, was well advised when, discussing the request for a grant to this University at the recent informal conference, he said that the Government of the United Provinces must approach the question from

that very standpoint which the Vice-Chancellor mentioned. We must consider from the provincial standpoint how and in what measure this University is doing work for the province which no other institution is doing, and then decide whether, if we wish to help such work forward, we should or should not give money to a second institution for the work that is already being done here. That seems to me the basis on which to consider what financial support we can give to this University. I am prepared to say that the plea put by the Vice-Chancellor on this particular ground seems to have force. I am against the idea of not helping the institution simply and solely on the ground of its being an all-India university."

I appeal to the Finance Member to approach this question in the same catholic and generous spirit in which His Excellency was pleased to approach it. I see the sincerity of that speech has affected the mind of the Finance Member. For aught we know the position that he took up today may be the result of that speech, which he could not have forgotten. Let him keep that spirit, and I am sure he will find a suitable and a very early opportunity to redeem the promise made by Sir Harcourt Butler's Government years ago. It is only with an appeal to the Finance Member that I wish to close my reply, and I hope this appeal will not go in vain.

**The Hon'ble Sir Sam O'Donnell:** I am glad that the honourable member for Partabgarh accepts my main positions. He agrees that provincial subjects have the primary claim on our resources; he rejects the proposition that the responsibility for financing universities should be transferred to the Provincial Governments in proportion to the number of students from each province. He also agrees that until all the urgent needs of our own provincial subjects are met, we cannot be asked reasonably to provide funds for these universities. But he argues that this Government made a promise, incurred a definite obligation which it is incumbent on us now to redeem. Well, Sir, I may remind the Council again that I was not a party to the correspondence of 1921. (Voices of "The Government were.") I shall come to that aspect later. I speak from memory, but I do not think I even heard of it till about two years later. Therefore my information as to what happened is derived simply from the correspondence. It is admitted by the honourable member for Allahabad University that there is nothing in the nature of an unqualified promise. I do not wish to quibble about words. I do not wish, Sir, to formulate an exact comprehensive definition of the word "promise," but if by promise is meant an undertaking which was not contingent on the financial condition, then I say that I do not find in the papers that there was such an undertaking. I do find that there was a proposal. I do find that that proposal went before the Finance Committee. It does appear that Government believed at that time that money could be found, that the financial position would permit them to make this grant, and, if so, they intended to make it. But I do not find that any unconditional undertaking was given or that the proposal was not subject to the financial conditions. Subsequently, in January, 1922, Government found that the financial position was not such as to enable them to make this promise. And in the subsequent years the financial position has never been such as to justify

[The Hon'ble Sir Sam. O'Donnell.]

us in making grants. It is admitted that in 1923-24 our financial position was one of great difficulty. It is true subsequently we have had remissions. Honourable members when the budget for next year is before them will see how these remissions have been used. They will see how far it is the case that all urgent needs of our own subjects have been met. When they have been met, then we shall be prepared to consider sympathetically the cases of these two universities. The honourable member who has moved the resolution has referred to the speech delivered by His Excellency. I do not think that there is any difference between the position taken up by His Excellency and the position taken up by me during the course of the debate. We do not stress rigidly the demarcation of subjects laid down in the Devolution Rules. We are prepared, as no other province, so far as I am aware, is prepared, to help the university if and when our financial condition improves. That, so far as I can see, is all that His Excellency has said.

*The resolution was put and adopted.*

#### RESOLUTION *re* PROHIBITION.

**Khan Bahadur Saiyid Jafar Husain :** As the Government has already accepted the policy of abstinence I do not wish to move the resolution. ("That this Council recommends to the Government to start a vigorous policy of temperance reform with a view to the total abolition of intoxicants at an early date.")

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#### RESOLUTION *re* GRANTS TO SANSKRIT AND HINDI PATHSHALAS.

**Thakur Shiva Shankar Singh :** I withdraw the resolution. ("That this Council recommends to the Government that special and adequate grants be separately allotted to Sanskrit and Hindi Pathshalas in these provinces.")

*The Council was then adjourned to the following day.*

## APPENDIX A.

*(See page 187 supra)**Speech referred to in the reply to starred question No. 4 for January 27, 1927.*

Lieutenant-Colonel E. W. C. Sandes, D.S.O., M.C., R.E., the Principal, in opening the Convocation proceedings said :—

Your Excellency, Ladies and Gentlemen,—

This is the second occasion in recent years on which I have had the honour of welcoming a Governor of the Punjab to the Annual Convocation and Prize-giving of the Thomason College, the previous instance being when His Excellency Sir Edward Maclagan, the son of the first Principal of this College, distributed the prizes in 1923. On the present auspicious occasion I desire, Sir, to express to you the satisfaction which your visit to Roorkee gives to the staff and students of the College, and to thank you for the honour which you have thus conferred on us ; and I desire to thank also the distinguished visitors who have accompanied you, including your Minister of Agriculture (Sardar Jogendra Singh), and Mr. A. R. Astbury, one of your Chief Engineers.

Your visit, Sir, is a source of particular gratification to the numerous students who hail from your province. It is a remarkable fact that, although the Thomason College is an institution belonging to the United Provinces, there are at the present moment slightly more Punjabi students in the Civil Engineer Class than students from these provinces. Yet the large number of men from the Punjab is advantageous to the engineering profession in India as a whole, since competition is the breath of life to a college, and, because of this competition, the all-India Service known as the "Indian Service of Engineers" gets the best possible recruits from Roorkee. Is it too much to hope that at some future date India will have an Imperial Engineering College in which all provinces will be adequately represented, and by which uniformity of engineering training and knowledge will be attained, and that Roorkee, once an Imperial College, may again become one ?

In the Civil Engineer Class at Roorkee there are 46 students from the Punjab out of a total number of 88 students : while in the batch now leaving the College 18 students out of 30 come from the Punjab. So high is the appreciation of the value of the engineering training at Roorkee that, in the second year batch of the Civil Engineer Class, six students from the Punjab at present pay the whole cost of their training, nearly Rs. 9,000 each in three years, as they are outside the number whose cost of training has been met by the Punjab Government. Due largely to the friendly rivalry in work and play between the energetic young men from the Punjab and the equally progressive students from the United Provinces and other parts of Northern and Central India, I believe that the standard of mental and physical fitness in the Thomason College has never stood higher than at the present day, and it is my earnest hope that this satisfactory state of affairs may long endure.

I take this opportunity of extending a hearty welcome also to the Members of the College Advisory Council and official and non-official gentlemen from these provinces who are present. By attending this



Convocation they have shown the interest which they take in our welfare, and I trust that they will find that the institution has progressed steadily in efficiency and has maintained its world-wide reputation.

As the result of the recommendations made by a Committee which assembled in Roorkee in December, 1924, many improvements have lately been made in the courses of instruction, the underlying ideas being still further to reduce specialization in particular branches of engineering, thus following the practice in engineering colleges in Great Britain, and to eliminate from College instruction subjects which have already been studied by the students in their universities or schools before coming to Roorkee. A revised syllabus for the Civil Engineering Class Entrance Examination will probably come into force in 1928, the qualifying test for permission to sit for that examination being also raised to the Intermediate, or equivalent standard, in 1928. These alterations will relieve the College course of much comparatively elementary work, and the staff will be able to deal more fully with engineering and allied technical subjects. Though the circumstances and present needs of India prevent too close an imitation of the engineering courses in British colleges, there is little doubt that the tendency to specialize was interfering in the past with general theoretical training at the Thomason College. This has now been changed as a result of a close study of British methods. The practical applications of theory are shown to the students on actual engineering works by their own Professors who accompany them on tours. During the past session tours have been made to New Delhi, Dehra Dun, Hardwar, and other places within reasonable distance.

The Overseer Class is still at the Thomason College, though the original intention was that it should be moved elsewhere. The course of instruction for this class has just been remodelled by the Board of Studies, and better arrangements are being made for lecturing, with the object of raising the standard of training so that it may approach more nearly to that of the old Upper Subordinate Class. The Lecturers of the Civil Engineer Class staff will in future deliver the more advanced lectures to the Overseer class students, being assisted in the elementary work by the Instructors of that class, and the Lecturers will each be responsible for the training and the examinations of the Overseer Class in their particular subjects. I hope to bring these improved arrangements into force when the College re-opens in October 1926. From these remarks it will be seen that we are not content to sit down and contemplate the past, but are ever striving to better our previous best, consistently with the exercise of prudence and common sense. A man once said to me, "You ought to call the Thomason College 'the Reorganization College!'" I said, "Thank you! At least you admit that we are wide awake!"

Some important work has been done on the College Estate during the last few months under the able direction of Professor C. J. Veale, who manages the College Recreation Fund and the Cricket. The cricket and football grounds have been greatly extended, levelled, sown with new grass, and surrounded by wire fencing, so that next session football, hockey and cricket will be played under excellent conditions. The cost has been met largely from the Recreation Fund to which the students subscribe. Team games are of prime importance in fostering

a spirit of unselfishness and *esprit de corps* as well as giving healthy exercise and pleasure. Four new cutrigged boats have been obtained from Oxford for our Boat Club on the Ganges Canal, and we now have four 4-oared boats and about eight smaller craft in good repair. The boat-house itself has been extended. The building of a single court for Squash Racquets, to adjoin the present double court, is contemplated, as the game is so popular. The Indian Engineer Class Club is flourishing. The room added last year has been comfortably furnished and a billiard table installed in it. The Club is now amply large enough for all the members, who are indebted to Mr. Barnett, my Personal Assistant, for the early completion of this work.

The Irrigation Department's scheme for a supply of electric power from turbine-driven generators on the Ganges Canal at Bahadurabad is rapidly taking shape, and a sub-station to distribute power to all the College buildings has actually been built on the College estate, but I can scarcely hope that the Rs. 56,000 required to complete our distribution system will be available till next year. It is unnecessary to remark how beneficial to the health of the staff and students a proper installation of electric lights and fans would be. At present such an installation exists only for the College itself and one or two other buildings, and it is supplied with power from the College Workshops, where, I am glad to say, much of the old plant is now being replaced by up-to-date plant from England. The Workshops' plant is very important, not only for instructional purposes, but because it supplies power to the College Press and the College and to all the motors operating the pumps in the enclosed wells from which the College draws its drinking-water supply. The extension of the water supply distribution system—another desirable project—has been before Government for several years, but funds are not yet available. Under this scheme piped water will be available for all the staff bungalows, including those on the Malikpur Estate half a mile away. The old thatched bungalows on the College estate are being re-roofed with jack arching as funds are allotted. In a few years I hope that thatched roofs will have disappeared, and the more durable and sanitary *pacca* roofs will be universal. Our demands on Government may be considerable, yet the Thomason College is the chief source of the supply to Northern India of trained engineers, and, as such, its demands deserve and should get full consideration. It has taken very many years to bring the College to its present state of efficiency and money is always needed to maintain that efficiency.

No changes have taken place in the College Staff during the past session except the departure in March of Mr. W. D. McLaren, Assistant Professor of Mechanical Engineering, on leave pending retirement. Mr. McLaren joined the staff in 1899 as an Instructor, and rose to be Assistant Professor in charge of his department, which post he held for several years. Throughout his 27 years of service at Roorkee he showed marked ability and sound common-sense, and in losing him the College has lost a very capable and popular officer. We wish him and Mrs. McLaren happiness and prosperity in retirement—or at least as far as the coal strike permits.

I propose now to review briefly the work and discipline of the past session. The conduct of almost all the students has been exemplary and

gives evidence of the high tone prevailing in the institution. Much depends on the example set by the more senior students, and I am pleased to record that those now passing out have set an excellent example of energy and keenness in work and play to the more junior students, which I hope the latter will remember next session when they are seniors.

There has been keen competition in all classes for the various prizes. The Council of India prize of Rs. 1,000 for General Proficiency, which is awarded to the top student in the Civil Engineer Class, has been won by Sardari Lal Kumar, who also gains the Thomason Prize of Rs. 250 for the best Indian student gaining a Higher Certificate. He has obtained 76 per cent. of the total of marks, and I offer him my congratulations on his achievement. The second student is Lakshman Prasad Bhargava and the third is Mohan Lal Batra. Both have worked well. Higher Certificates in the Civil Engineer Class have been gained by 12 students out of the 30 now passing out. The Thomason Gold Medal for the best series of Engineering Projects has been won by Lakshman Prasad Bhargava. He deserves our heartiest congratulations on this evidence of practical ability. Surya Jung Thapa, of Nepal State, was second, Gopal Kishore Agarwal was third, Madan Mohan Lal fourth, and C. A. Browne fifth. The examiner of the final project remarked as follows :—

“The main project set for this year was for the construction of a hill road about  $1\frac{1}{2}$  miles long at Rajpur. It gave scope for originality in several respects. Field work was generally up to a high standard, and the drawing in most cases excellent. The alignment, however, in most of the projects contained far too many curves. The reports were mostly too long. They should be as concise as possible, giving full information on important points. Specifications were very good. Estimating was generally weak. Accurate estimating is of the greatest value for all works.”

These criticisms and remarks are useful for future reference.

During this project the students were surveying on the estate near Rajpur belonging to Mrs. Evans, whose husband (the late Mr. L. J. S. Evans) passed out of the Civil Engineer Class exactly fifty years ago and himself won the gold medal for the best project—a curious coincidence. The College is indebted to Mrs. Evans for kindly allowing the students to traverse her land.

In the Overseer Class the student who heads the list is Dharam Raj Bharadwaj. The second is Kalyan Bux Mathur, and the third is Sewa Ram. In the Draftsman Class the best student is Muhammad Yasin Khan. All have shown commendable industry.

Military training now forms a conspicuous feature in the College. All the students of the Civil Engineer Class, both British and Indian, undergo military training, the British in the Auxiliary Force and the Indian in the University Training Corps of the Indian Territorial Force. The College platoon of the latter force attended the annual camp of exercise at Allahabad last October and helped its company (“D” Company of the Allahabad Battalion) to win both the Efficiency and Shooting Cups. I have tried to obtain sanction for the formation of a second platoon at Roorkee, but have not yet succeeded.

Thus, at present, many Indian students, though undergoing training in military exercises, have to await vacancies in our one platoon before they can be officially enrolled in the force. Mr. B. D. Puri, Professor of Mathematics, has gained a commission as 2nd-Lieutenant in the University Training Corps and is in command of the College platoon, while Major McLean, M.C., is second-in-command of the Allahabad Battalion and supervises the training of the Roorkee detachment. The European students of the Civil Engineer Class form a Lewis Gun Section of the Auxiliary Force. Lieutenant W. D. McLaren having left the College, the command of the section has devolved on Mr. J. Crawford, who has been commissioned as a 2nd-Lieutenant. The best shot in the section is Corporal C. A. Browne, though there are several other good shots who usually score well on the range.

The Sappers and Miners defeated the College this year in the annual Olympic contest which includes almost all games. Lieutenant R. K. Miller, R. E., the Scottish International Rugby player, appeared for the Sappers and Miners in almost every event. We congratulate the Commandant, K. G. O. Bengal Sappers and Miners on this athletic success of his corps, and we desire to thank Lieutenant Millar for coaching the College and students in athletics, as he has often done in his spare time during this session. The best performer for the College in the Olympic contest was C. A. Browne, who in consequence, is again awarded the Challenge Cup presented by the late Mechanical and Electrical Engineer Class.

C. A. Browne, who passes out this year, also won the Lawn Tennis Singles in the College tournament, the Racquets Singles, the Squash Racquets Singles, and, with W. F. C. Martin, the Squash Racquets Doubles; and, in addition to being the best rifle shot in the College, he stroked the winning crew in the Challenge Fours race in the recent Regatta, and has represented the College in cricket, football and hockey—a very fine athletic record. The Lawn Tennis Doubles were won by Vidya Prakash and Mufid Hasan; and Mufid Hasan, with Muhammad Zubair, also won the Racquets Doubles. We have all-round athletes also in W. F. C. Martin and B. S. Bisht. B. S. Bisht wins a cricket bat as the best bowler, and W. F. C. Martin wins another for a score of over 50 runs in a match, but both have represented the College in many games and are useful oarsmen. The student who has proved to be the best oarsman is N. S. D. Kapur, who consequently gains the Boating Prize. In the recent Regatta in June, after we had experienced a temperature of  $111^{\circ}$  in the shade, he rowed in three out of the four College races and won two of them, and yet he seems to be still alive. The Civil Engineer Class Mess crew carried off the Challenge Fours trophy after a good race against the Indian Engineer Class Club crew.

In Athletic Sports the student who won the College Championship Lion Trophy last December was Karnail Singh. In addition he consequently annexed also the Indian Championship Cup. His achievement is remarkable as this is the first occasion on which an Indian has won the College Sports Championship, and I offer him my congratulations on his victory especially as he had trained so hard for it. W. F. C. Martin put up a good fight for the trophy, which he had won himself the previous year. The Vizianagram Cup for Athletic Sports, competed for among the third year Indian Engineer Class students only, was won in December

by D. R. Bhambri; and the Verrières Cup, for the Relay Race, by D. R. Bhambri, Karnail Singh, S. R. Wasudev, and M. L. Sood, who made a good team. I should like to express my appreciation of the keenness of the Overseer Class Tug-of-War team who won that event. They actually bought a rope of their own for practice, and pulled so hard near their quarters that I believe the College Estate has slipped a few inches towards the east, to the dismay of the Professor of Surveying!

I come now to the Harcourt Butler Challenge Cup which is awarded annually to the student who has done best in work and athletics combined. This cup is intended to mark the appreciation of Sir Harcourt Butler for a man who realizes that, for the arduous profession of Engineering, fitness of body is quite as important as ability of mind. The College Staff agree whole-heartedly with this opinion, and, after careful consideration of the marks for work and athletics, I have decided that the cup should be awarded this year to C. A. Browne.

In conclusion I wish to thank my staff for their help and support in all matters during the past session. It is hardly realized how many and varied are the duties of a Professor, Lecturer or Instructor at this College. Not only is he a teacher, counsellor, and friend to his students, but he has to act also in many other capacities outside college hours in connection with their recreations and social activities. Every member of the staff, whose assistance I have asked, has responded to the call, and thus we have had a busy and happy session.

## APPENDIX B.

(See page 195 *supra*.)*Statement referred to in starred question No. 29 asked by PANDIT***BHAGWAT NARAYAN BHARGAWA.**

Statement showing the area under Kans in the districts of Jalaun, Hamirpur and Banda during each of the years 1916-17 to 1925-26.

|             | 1916-17<br>(1924<br>Fasli). | 1917-18<br>(1925<br>Fasli). | 1918-19<br>(1926<br>Fasli). | 1919-20<br>(1927<br>Fasli). | 1920-21<br>(1928<br>Fasli). | 1921-22<br>(1929<br>Fasli). | 1922-23<br>(1930<br>Fasli). | 1923-24<br>(1931<br>Fasli). | 1924-25<br>(1932<br>Fasli). | 1925-26<br>(1933<br>Fasli). |
|-------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Jalaun ..   | 14,987                      | 16,301                      | 13,657                      | 11,740                      | 11,745                      | 10,281                      | 10,722                      | 10,616                      | 11,483                      | 11,686                      |
| Hamirpur .. | 23,876                      | 27,594                      | 28,275                      | 24,965                      | 23,151                      | 21,532                      | 21,775                      | 22,514                      | 23,121                      | 29,657                      |
| Banda ..    | 41,533                      | 54,416                      | 67,470                      | 55,352                      | 44,141                      | 38,867                      | 32,439                      | 31,546                      | 27,452                      | 27,019                      |

## APPENDIX C.

*(See page 202 supra.)*

*Statement showing the pay of police sub-inspectors, agricultural overseers and sub-deputy inspectors of schools.*

Sub-inspectors of police—

Rs.

|                 |     |     |     |             |
|-----------------|-----|-----|-----|-------------|
| Selection grade | ... | ... | 150 | per mensem. |
| First           | "   | ... | 125 | "           |
| Second          | "   | ... | 100 | "           |
| Third           | "   | ... | 80  | "           |
| Fourth          | "   | ... | 70  | "           |

Agricultural overseers are included in the subordinate agricultural service, the pay of which is Rs. 65 rising to Rs. 270. Garden overseers draw Rs. 140—10/2—240.

Sub-deputy inspectors of schools—

The pay of sub-deputy inspectors of schools is Rs. 80—5—120—10—160 per mensem with efficiency bar at Rs. 120.

## APPENDIX D.

*(See page 202 supra.)**Statement showing allowances paid to sub-inspectors of police, agricultural overseers and sub-deputy inspectors of schools.***Sub-inspectors of police—**

All sub inspectors of police who keep a horse, except sub-inspectors, armed police, and prosecuting sub-inspectors, are entitled to horse allowance as follows:—

(a) In the plains, Rs. 25 per mensem at the headquarters of a district and Rs. 20 per mensem elsewhere.

(b) In the hills, Rs. 30 per mensem.

Sub-inspectors of police draw travelling allowance as occasion arises at the rates given in the Financial Handbook, volume III. They do not draw any fixed travelling allowance.

Sub-inspectors of police are provided with free quarters. Where Government quarters are not available accommodation is rented for them at government expense.

**Agricultural overseers—**

Members of the subordinate agricultural service in charge of farms are allowed a free house, but where suitable accommodation is not available, a house allowance of Rs. 10 is substituted. Garden overseers get free quarters and where none are available, an allowance of Rs. 25. They draw travelling allowance under the rules in force. None get a horse allowance.

**Sub-deputy inspectors of schools—**

Sub-deputy inspectors of schools receive travelling allowance according to the rules in Financial Handbook, volume III. They receive no horse allowance and are not provided with quarters.





# LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

*Friday, January 28, 1927.*

THE Council met in the Council Chamber, Lucknow, at 11 a.m. The Hon'ble Rai Bahadur Lala Sita Ram in the Chair.

## PRESENT :

(96).

|   |  |
|---|--|
| The Hon'ble Sir Sam O'Donnell.                      | Babu Kavendra Narayan Singh.                                 |
| The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan. | Pandit Shri Sadayatan Pande.                                 |
| The Hon'ble Rai Rajeshwar Bali.                     | Thakur Shiva Shankar Singh.                                  |
| The Hon'ble Thakur Rajendra Singh.                  | Rai Bahadur Thakur Hanuman Singh.                            |
| The Hon'ble Nawab Muhammad Yusuf.                   | Rai Bahadur Babu Abhainandan Prasad.                         |
| Mr. G. B. Lambert.                                  | Bhaya Hanumat Prasad Singh.                                  |
| Mr. E. A. H. Blunt.                                 | Babu Ganga Prasad Roy.                                       |
| Kunwar Jagdish Prasad.                              | Pandit Govind Ballabh Pant.                                  |
| Sir Ivo Elliott.                                    | Pandit Padri Dutt Pande.                                     |
| Mr. P. H. Tillard.                                  | Mr. Mukandi Lal.   |
| Mr. H. A. Lane.                                     | Rai Bahadur Chaudhri Jagannath Prasad                        |
| Mr. R. L. Yorke.                                    | Raja Bahadur Bishwanath Saran Singh.                         |
| Mr. A. W. Pim.                                      | Rai Bahadur Babu Mohan Lal.                                  |
| Mr. A. W. McNair.                                   | Rai Bahadur Pandit Sankata Prasad Bajpai.                    |
| Khan Bahadur Chaudhri Wajid Husain.                 | Babu Mahendra Deva Varma <i>alias</i> Lalji.                 |
| Mr. E. L. Norton.                                   | Raja Raghubaraj Singh.                                       |
| Mr. F. F. R. Channer.                               | Maharaj Kumar Major Mahijit Singh.                           |
| Mr. R. J. S. Dodd.                                  | Kunwar Surendra Pratap Sahi.                                 |
| Colonel G. Tate.                                    | Mr. C. Y. Ohintamani.  |
| Mr. A. H. Mackenzie.                                | Haji Abdul Qayum.  |
| Mr. G. Clarke.                                      | Mr. Muhammad Abdul Bari.                                     |
| Khan Bahadur Mr. Masud-ul-Hasan.                    | Saiyid Tufail Ahmad.   |
| Mr. E. Ahmad Shah.                                  | Khan Bahadur Shaikh Zia-ul-Haq.                              |
| Babu Ram Charana.                                   | Lieut. Nawab Jamsheed Ali Khan.                              |
| Babu Prag Narayan.                                  | Nawabzada Muhammad Liaquat Ali Khan.                         |
| Babu Ganesh Shankar Vidyarthi.                      | Hafiz Muhammad Ibrahim.                                      |
| Mr. A. P. Dube                                      | Lieut. Khan Bahadur Nawabzada Abdus Sami Khan.               |
| Pandit Rahas Bihari Tiwari.                         | Shaikh Abdullah.   |
| Rai Bahadur Lala Shyam Sundar Lal.                  | Khan Bahadur Hafiz Hidayat Husain.                           |
| Babu Bhagwati Sahai Bedar.                          | Maulvi Saiyid Habib-ullah.                                   |
| Thakur Manjit Singh Rathor.                         | Khan Bahadur Shah Badre Alam.                                |
| Rai Sahib Lala Jagdish Prasad.                      | Shaikh Ghulam Husain.  |
| Chaudhri Vijai Pal Singh.                           | Dr. Shalawat Ahmad Khan.                                     |
| Pandit Nanak Chand                                  | Khan Bahadur Saiyid Jafar Husain.                            |
| Thakur Manak Singh.                                 | Khan Bahadur Shaikh Saiyid Muhammad <i>alias</i> Maiku Minn. |
| Thakur Hukum Singh.                                 | Khan Bahadur Hakim Mahbub Ali Khan.                          |
| Raja Kushal Pal Singh.                              | Khan Bahadur Maulvi Fasih-ud-din.                            |
| Rao Krishna Pal Singh.                              | Khawaja Khalil Ahmad Shah.                                   |
| Lala Nemi Saran.                                    | Shaikh Muhammad Habib-ullah.                                 |
| Rao Sahib Kunwar Sardar Singh.                      | Mr. St. George H. S. Jackson.                                |
| Thakur Sadho Singh.                                 | Rai Bahadur Lala Mathura Prasad Mehrotra.                    |
| Pandit Brijnandan Prasad Misra.                     | Raja Shambhu Dayal.  |
| Pandit Bhagwat Narayan Bhargava.                    | Kunwar Bisheshwar Dayal Seth.                                |
| Rao Udaibir Singh.                                  | Raja Jagannath Bakhsh Singh.                                 |
| Babu Kishori Prasad.                                | Mr. E. M. Souter.  |
| Lieut. Raja Durga Narayan Singh.                    | Rai Bahadur Babu Vikramajit Singh.                           |
| Pandit Doota Prasad.                                | Pandit Iqbal Narayan Gurtu.                                  |
| Babu Shyam Lal.                                     |  |
| Pandit Venkatesh Narayan Tiwari.                    |  |

## QUESTIONS AND ANSWERS.

### STARRED QUESTIONS.

#### AMENDMENT OF THE MUNICIPAL ACT.

**\*1. Pandit Bhagwat Narayan Bhargava :** Has the Government received the opinions of municipal boards called for by it about the amendment of the Municipal Act ? If so, when ?

**The Hon'ble Nawab Muhammad Yusuf :** Some of the municipal boards have submitted their opinions; others have not yet done so.

**Pandit Bhagwati Narayan Bhargava :** When did the Government ask the boards to submit their opinion ?

**The Hon'ble Nawab Muhammad Yusuf :** I cannot give the exact date. They were reminded several times. The last reminder, I think, was sent on November 12, 1926.

**\*2. Pandit Bhagwat Narayan Bhargava :** When does the Government contemplate to bring up a Bill to amend the Act on the lines suggested by the municipal boards conference ?

**The Hon'ble Nawab Muhammad Yusuf :** The question will be considered on receipt of opinions from the remaining municipalities.

**\*3 to 10. Pandit Bhagwat Narayan Bhargava :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

#### SHORT-TERM IMPRISONMENTS.

**\*11. Pandit Bhagwat Narayan Bhargava :** Has the Government issued any orders about short-term imprisonments ? If so, what ? Will it lay the same before the Council ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** No orders have been issued.

**Pandit Bhagwat Narayan Bhargava :** Am I to understand that the Government took no action on the report of the Economy Committee regarding short-term imprisonment ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** No orders were issued.

**Pandit Bhagwat Narayan Bhargava :** Did the Government take any action on the report of the Economy Committee regarding short-term imprisonment ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The recommendations of the Committee were not accepted because the High Court thought that the disadvantages outweighed the advantages.

**\*12 and 13. Pandit Bhagwat Narayan Bhargava :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

GRANT TO DISTRICT BOARD, JHANSI.

\*14. **Pandit Bhagwat Narayan Bhargava** : How much in recurring and non-recurring grants has the Government sanctioned for Jhansi district board for its weaving, carpentry and leather schools for the next financial year, and what is the total expenditure which the board has provided in its budget on each of these schools ?

**The Hon'ble Thakur Rajendra Singh** : Government cannot make any statement at present.

\*15. **Pandit Bhagwat Narayan Bhargava** : [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

APPOINTMENT OF A THIRD MINISTER.

\*16. **Pandit Bhagwat Narayan Bhargava** : Will the Government be pleased to state how much annual expenditure has increased consequent on the appointment of a third Minister in the United Provinces ?

**The Hon'ble Sir Sam O'Donnell** : The increase in annual expenditure due to the appointment of a third Minister is at present approximately Rs. 50,000.

\*17 to 25. **Pandit Bhagwat Narayan Bhargava** : [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

DISTRICT BOARD AND GOVERNMENT SCHOOLS.

\*26. **Pandit Bhagwat Narayan Bhargava** : Has the Government issued any order to the effect that in the case of officers of the Education department service under district boards will not be counted towards pension ? If so, will the Government be pleased to state its reasons for doing so ?

**The Hon'ble Rai Rajeshwar Bali** : Yes, in cases where such service was non-pensionable. Because the service was non-pensionable.

\*27. **Pandit Bhagwat Narayan Bhargava** : Is it a fact that prior to 1905 almost all the teachers of Government schools were under district board service ?

**The Hon'ble Rai Rajeshwar Bali** : No.

\*28. **Pandit Bhagwat Narayan Bhargava** : In what year were Government schools brought under direct Government control ?

**The Hon'ble Rai Rajeshwar Bali** : District board high schools were brought under direct Government control in 1910.

\*29 to 32. **Pandit Bhagwat Narayan Bhargava** : [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

TREATMENT OF PRISONERS IN NAINI TAL JAIL.

\*33. **Pandit Bhagwat Narayan Bhargava** : Is it a fact that some prisoners in the Naini Tal jail are made to bathe with cold water by way of punishment early in the morning and are asked to sit naked ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan** : The answer is in the negative.

**Babu Bhagwat Sahai Bedar :** Has the Government instituted any inquiry ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Yes.

**\*34. Pandit Bhagwat Narayan Bhargava :** Were any Brahman prisoners given the punishment of cleansing latrines in Naini jail ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The answer is in the negative.

**\*35. Pandit Bhagwat Narayan Bhargava :** (1) Will the Government state what grain is being used in Naini jail for preparing loaves of bread ?

(2) Are the prisoners given any vegetable in the evening ? If so, what ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** (1) Wheat, *juar* and gram.

(2) Yes. Vegetables from the following list are issued as available :—

Cabbage, carrot, cauliflower, knol-kohl, lettuce, spinach, potatoes, turnips, beet, mint, parsnip, peas and tomatoes.

**Lala Nemi Saran :** Wheat, *juar* and gram, are all these given together or with different combinations ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I am not sure, I think with different combinations.

**Babu Bhagwati Sahai Bedar :** Is the Government aware that there was a serious protest against the supply of *juar* in this Council ? Is it still continued ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I do not know of any serious objection against the supply of *juar*, although I have been in this Council all the time. But I know that certain members complained that *juar* was not very tasteful without a mixture of wheat.

**Babu Bhagwati Sahai Bedar :** Is it a fact that a majority of the members of this Council . . .

**The Hon'ble the President :** Order, order. This does not arise out of the question.

#### THE JAIL MANUAL.

**\*36. Pandit Bhagwat Narayan Bhargava :** When should the Council expect the publication of the revised Jail Manual ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Forty-two out of fifty chapters are already in the press. Of the remaining eight, three are under reference to the Government of India; it is therefore impossible to say when the whole volume will be ready for publication, but Government hope to have it complete soon.

**Pandit Bhagwat Narayan Bhargava :** May I know what subjects have been dealt with in these three chapters which have been referred to the Government of India ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** There are very many sections which have been referred to the Government of India, and I am not in a position to reply to the question in detail.

\*37 and 38. **Pandit Bhagwat Narayan Bhargava :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

AGRICULTURAL SCHOOLS IN U. P.

\*39. **Pandit Bhagwat Narayan Bhargava :** (1) Will the Government give the number of agricultural schools in the United Provinces?

(2) What reasons does the Government hold for not opening more schools in other important places of the province?

**The Hon'ble Thakur Rajendra Singh :** The honourable member is referred to the reply to starred question No. 10 asked by Khan Bahadur Hafiz Hidayat Husain on January 24, 1927.

*Copy of starred question No. 10 asked on January 24, 1927, and the reply given thereto.*

QUESTION.

How many agricultural schools are there in these provinces and at what places? Have the Government established any school after the agricultural school at Bulandshahr was opened? If not, why?

ANSWER.

There is only one agricultural school in this province, viz., at Bulandshahr. The reply to the second part of the question is in the negative, but Government intend to open a second agricultural school in the eastern part of the province. As regards the third part of the question, Government were anxious to ascertain by experience the demand for such schools before opening new ones.

PROVINCIAL EXCISE BOARD.

\*40. **Pandit Bhagwat Narayan Bhargava :** (1) When was the Provincial Excise Board constituted last time?

(2) How many meetings of the current board were held during its term?

**The Hon'ble Thakur Rajendra Singh :** (1) July 20, 1926.

(2) No meetings were held.

**Pandit Bhagwat Narayan Bhargava :** Why no meetings were held?

**The Hon'ble Thakur Rajendra Singh :** Because there was no work to be placed before the board.

**Pandit Bhagwat Narayan Bhargava :** Is it a fact that the board was not constituted on July 20, but on January 1, 1926?

**The Hon'ble Thakur Rajendra Singh :** I do not remember the date.

**Pandit Bhagwat Narayan Bhargava :** Who was the convener of the board?

**The Hon'ble Thakur Rajendra Singh :** Mr. Pim is the President.

**Pandit Bhagwat Narayan Bhargava :** How many meetings of the board were held?

**The Hon'ble Thakur Rajendra Singh :** None, as I have already said in the reply.

**Lala Nemi Saran :** Did the convener receive notice from any member of the board to hold a meeting?

**The Hon'ble Thakur Rajendra Singh :** I do not know.

**\*41 to 44. Pandit Bhagwat Narayan Bhargava :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

**SETH DAMODAR SWARUP, PRISONER.**

**\*45. Pandit Govind Ballabh Pant :** (a) What was the weight of Seth Damodar Swarup at the time of his arrest, and what is it now ?

(b) Is it a fact that he is in a precarious condition ?

(c) What is the course of his diet and treatment at present ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** (a) 99 lbs. on arrest, 63 lbs. when released on bail on January 18.

(b) At the time of his release he was in a low state owing to the effects of prolonged hunger-striking.

(c) Government have no information.

**Pandit Nanak Chand :** What was the course of his diet and treatment up to January 18 ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Different diet and different courses.

**Pandit Nanak Chand :** For how long did he remain on hunger-strike ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** For several months.

**Pandit Nanak Chand :** At one stretch ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** No, off and on.

**Pandit Bhagwat Narayan Bhargava :** What measures were adopted by the Government to check the decrease in his weight ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The Government adopted all the measures that are possible in medical science.

**Pandit Bhagwat Narayan Bhargava :** May I know them ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The jail authorities offered him rich and nutritious food.

**Babu Bhagwati Sahai Bedar :** For how long did he remain on hunger-strike ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I have already answered this question.

**Pandit Bhagwat Narayan Bhargava :** Will the Government be pleased to state the reasons for which he did not like to have those things which were given to him ?

**The Hon'ble the President :** This is entirely a new question.

**Pandit Bhagwat Narayan Bhargava :** Was he ill for any length of time before he was released on bail ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** It is very difficult to say. All our medical advisers were very uncertain about his illness. The medical board was of opinion that he was not suffering from any disease at all.

**Pandit Bhagwat Narayan Bhargava :** Did he ever apply for treatment by a vaid ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I do not know.

**Pandit Bhagwat Narayan Bhargava :** Did he suggest that allopathic doctors were not able to diagnose his illness ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Yes.

**Pandit Bhagwat Narayan Bhargava :** Was his request granted ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** No.

**Pandit Bhagwat Narayan Bhargava :** Why ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The reason is that it was not possible for us to allow any vaid or hakim to treat him as he was under the supervision of the jail authorities. Besides Colonel Hunter and Bhatia, who are eminent doctors and as good as any vaid or hakim, examined him.

**Pandit Govind Ballabh Pant :** Does the Hon'ble the Home Member subject himself to the treatment of vairs and hakims ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The Hon'ble the Home Member is not a prisoner.

**Pandit Govind Ballabh Pant :** What was the condition of this man when he was released on bail ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** He was very weak.

**Pandit Govind Ballabh Pant :** Was he able to move about ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I cannot say.

**Pandit Brijnandan Prasad Misra :** Did the Hon'ble the Home Member see the prisoner himself in jail ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Yes, but I did not test his strength.

**Pandit Govind Ballabh Pant :** Was his condition said to be very dangerous then ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** He was very weak. I am not a medical man, and so I cannot say whether his condition was dangerous or not.

**Pandit Govind Ballabh Pant :** Was it reported to the Hon'ble the Home Member that there was danger of his death ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** No.

**Pandit Govind Ballabh Pant :** Was there any risk of life involved ?

**The Hon'ble the President :** This is too minute a cross-examination.

**Pandit Govind Ballabh Pant :** Will the Government be pleased to consider the advisability of releasing the prisoner if his health does not improve ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** He has already been released on bail



**Pandit Govind Ballabh Pant :** Will the Hon'ble the Home Member be pleased to release him altogether ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** It is premature to say.

**\*46. Pandit Govind Ballabh Pant :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

#### RECRUITMENT FOR ASSAM TEA PLANTATIONS IN UNITED PROVINCES.

**\*47. Pandit Govind Ballabh Pant :** How many persons were recruited for the Assam tea plantations in the United Provinces last year, and on what terms ?

Has the Government been in any manner assisting emigration of labour from the United Provinces to Assam ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** (a) 3,760.

(b) Government supervise, but do not assist recruitment, their object being to enforce observance of the law.

**Mr. C. Y. Chintamani :** Have the Government incurred any expenditure in connexion with the recruitment of persons for the Assam tea plantations in the United Provinces ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I am not sure, but I think that no expenditure has been incurred.

**Mr. C. Y. Chintamani :** Through what agency is supervision effected ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Through district officers.

**Pandit Govind Ballabh Pant :** Are any recruiting sardars appointed for this purpose ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Yes.

**Pandit Nanak Chand :** Who pays for them ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I think the planters, and not the Government.

**Pandit Nanak Chand :** Through Government or directly ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Directly, I think.

**Pandit Govind Ballabh Pant :** Is there any risk involved in the process of recruitment ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** No.

**Pandit Govind Ballabh Pant :** What is exactly meant when it is said at "their object being to enforce observance of the law" ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Observance of law in recruitment. There are certain rules and regulations about recruitment which have to be observed.

**Pandit Govind Ballabh Pant :** Has the duty been imposed upon the Government by any Act or is it voluntary ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** We have taken this duty on ourselves in the interests of the recruits and not the recruiters.

**Pandit Govind Ballabh Pant :** Is it open to the Government to withdraw from it if they desire to?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** It is imposed by the Act.

**Pandit Govind Ballabh Pant :** What Act?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I do not know. If the honourable member likes I can give him a copy of it which will give every detailed information.

**Pandit Govind Ballabh Pant :** I have already got a copy.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Have you?

**Babu Bhagwati Sahai Bedar :** Do these recruits themselves go to jamadars or jamadars go to recruits?

**The Hon'ble the President :** It is not a question to be replied to.

\*48. **Pandit Govind Ballabh Pant :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

#### FOREIGN LIQUOR.

\*49. **Pandit Govind Ballabh Pant :** (a) Can the Government state what was the total quantity of foreign liquor imported into the United Provinces in 1924, 1925 and 1926, respectively?

(b) What was the corresponding income on account of fees levied by the Excise department?

(c) What was the quantity consumed in military canteens, clubs and restaurants and through other licensed dealers, respectively?

**The Hon'ble Thakur Rajendra Singh :** (a) The honourable member presumably refers to the import of overseas liquor. If so, the information which the honourable member requires is not available, as there is no restriction on the movement of foreign liquor imported under the Sea Customs Act.

(b) No fees are levied on the import of overseas liquor. The fees levied for sale of all foreign liquor, whether Indian-made or imported from abroad, are as follows :—

|         |    |    |    |    |    | Rs.      |
|---------|----|----|----|----|----|----------|
| 1923-24 | .. | .. | .. | .. | .. | 1,35,125 |
| 1924-25 | .. | .. | .. | .. | .. | 1,41,971 |
| 1925-26 | .. | .. | .. | .. | .. | 1,28,981 |

(c) Separate figures for military canteens, clubs and restaurants are not available. The figures of sales under whole-sale and retail licences will be found in Appendices J and K of the Annual Excise Administration report. A copy of the latest report will be found in the library.

**Pandit Iqbal Narayan Gurtu :** Are the sellers of overseas liquor required to take licence, if so, what is the authority of the Local Government?

**The Hon'ble Thakur Rajendra Singh :** Yes, they have to take licence.

**Pandit Iqbal Narayan Gurtu :** Who issues these licences?

**The Hon'ble Thakur Rajendra Singh :** The Excise Commissioner.

**Pandit Iqbal Narayan Gurtu :** Will the Government consider the advisability of requiring from the sellers of overseas liquor a report every year of the importation of such liquor and its consumption ?

**The Hon'ble Thakur Rajendra Singh :** The figures of consumption are already given.

**Pandit Iqbal Narayan Gurtu :** The reply of the Government is that no figures can be supplied. My question was that Government could get this information because its own authority grants licences.

**The Hon'ble the President :** As far as this question is concerned it is out of order.

**Pandit Govind Ballabh Pant :** Is it a fact that Government has no information as to the amount of foreign liquor which is consumed in restaurants ?

**The Hon'ble Thakur Rajendra Singh :** No.

**Pandit Govind Ballabh Pant :** Will the Government make it a condition of the licences that they will supply information as to the amount that is consumed every year.

**The Hon'ble Thakur Rajendra Singh :** At present I cannot do it

**Mr. C. Y. Chintamani :** What are the causes of the large increase of the import of malt liquor from the Punjab ?

**The Hon'ble Thakur Rajendra Singh :** It depends on the number of troops.

**Mr. C. Y. Chintamani :** Has the number of troops in these provinces increased considerably ?

(No reply.)

**Pandit Govind Ballabh Pant :** Is it a fact that the consumption of malt liquor has been increasing in civil population in recent years ?

**The Hon'ble Thakur Rajendra Singh :** Yes.

**Pandit Nanak Chand :** To what extent ?

**The Hon'ble the President :** It is given in the reply.

**Pandit Nanak Chand :** Does it include the consumption among troops also ?

**The Hon'ble Thakur Rajendra Singh :** I cannot say.

**Pandit Iqbal Narayan Gurtu :** Is it a fact that the habit of drink is increasing among the troops here ?

**The Hon'ble Thakur Rajendra Singh :** We cannot get this information.

**Mr. C. Y. Chintamani :** Will the Government be pleased to obtain more precise information as to the cause of the increase in the import of malt liquor from the Punjab ?

**The Hon'ble Thakur Rajendra Singh :** Yes, I will.

\* £0. **Pandit Govind Ballabh Pant :** Is any liquor manufactured in India outside the United Provinces imported into these provinces ? If so, how much, from where, and of what value ?

**The Hon'ble Thakur Rajendra Singh :** The reply to the first part of the question is in the affirmative. The figures as to quantity are :—

|                                      | 1923-24. | 1924-25. | 1925-26. |
|--------------------------------------|----------|----------|----------|
|                                      | Gallons. | Gallons. | Gallons. |
| Malt liquor (from the Punjab) ...    | 101,538  | 227,229  | 357,284  |
| Plain spirit (from Central India) .. | 46,071   | 46,617   | 44,332   |

Information is not available as to the value of the above.

**Pandit Govind Ballabh Pant :** Is it the intention of Government to adopt measures which will stop the increased consumption of this liquor which is imported in the form of malt liquor ?

**The Hon'ble Thakur Rajendra Singh :** We will consider it.

\* 51. **Pandit Govind Ballabh Pant :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

#### AMOUNT SPENT ON THE CONSTRUCTION OF CERTAIN BUILDINGS.

\* 52. **Pandit Govind Ballabh Pant :** What was the amount spent by Government over the construction of (a) police buildings, (b) school buildings, and (c) court and office buildings in 1924-25 and 1925-26 ?

**The Hon'ble Nawab Muhammad Yusuf :** A statement furnishing the requisite information is laid on the table. The figures given in the statement do not include expenditure incurred by civil department on minor and petty works and accounted for under the civil head of expenditure.

(See Appendix A, page 323.)

**Pandit Govind Ballabh Pant :** Does the amount shown as spent include the amount that has been spent out of the loan of one crore of rupees during these years ?

**The Hon'ble Nawab Muhammad Yusuf :** Yes.

#### EXPERIMENTAL FARMS.

\* 53. **Pandit Govind Ballabh Pant :** How many new experimental farms have been started since April 1, 1926 ?

Have any experimental farms been converted into demonstration farms in the current financial year ?

**The Hon'ble Thakur Rajendra Singh :** (a) None.

(b) No.

**Raja Jagannath Bakhsh Singh :** What is the number of experimental farms ?

**The Hon'ble Thakur Rajendra Singh :** Six.

#### DISTRICT BOARDS PRIMARY EDUCATION ACT, 1926.

\* 54. **Pandit Govind Ballabh Pant :** (a) Has the Government framed necessary rules under the District Boards Primary Education Act, 1926 ?

(b) Will it lay a copy thereof on the table ?

(c) Has the Act been applied in any area? Where?

(d) Have any proposals been received from any boards?

**The Hon'ble Rai Rajeshwar Bali**; (a) Yes.

(b) A copy of the rules is laid on the table of the honourable member.

(c) and (d) The answer is in the negative.

(See Appendix B, page 324.)

**Pandit Govind Ballabh Pant**: Has the Government power under this Act to ask district boards to frame schemes and submit them to Government?

**The Hon'ble Rai Rajeshwar Bali**: I believe the honourable member is well aware of the provisions of the Act.

**Pandit Govind Ballabh Pant**: I am not at all. The Government is there to give its authority.

**The Hon'ble Rai Rajeshwar Bali**: The honourable member can refer to the provisions of the Act.

**Pandit Govind Ballabh Pant**: Has the Government asked district boards to submit schemes?

**The Hon'ble Rai Rajeshwar Bali**: We have circularized them.

**Pandit Govind Ballabh Pant**: Has any time-limit been fixed?

**The Hon'ble Rai Rajeshwar Bali**: No.

**Pandit Govind Ballabh Pant**: Is it the intention of Government to do so now?

**The Hon'ble Rai Rajeshwar Bali**: We shall consider that question after we have waited for some time for the schemes.

#### STATE SCHOLARSHIPS.

\*55. **Pandit Govind Ballabh Pant**: Will the Government be pleased to lay a statement on the table showing the names and qualifications of persons to whom State scholarships have been awarded since April 1, 1926, the value, purpose and period of the scholarships and the members of the selection committee who recommended them in each case? Were the recommendations of the selection committee adopted fully in every case?

**The Hon'ble Rai Rajeshwar Bali**: As regards scholarships granted by the Education department, the honourable member is referred to Government Press *communiqué* No. 469-G/XV—207-1926, dated June 9, 1926, a copy of which is placed on his table. All the scholarships specified in the *communiqué* are tenable for two years. The scholarship awarded to Mr. S. N. Chakravarti has since been raised to £300 per annum.

The following were the members of the selection committee:—

- (1) The Director of Public Instruction.
- (2) Khan Bahadur Maulvi Fasih-ud-din, M.L.C.
- (3) Dr. Ganesh Prasad, M.L.C.
- (4) Mr. N. A. Rust.
- (5) Dr. K. N. Bahl.

The recommendations of the committee are confidential.

As regards technical scholarships a statement giving the information required is laid on the table of the honourable member.

(See Appendix C, page 330.)

**Pandit Govind Ballabh Pant :** Were the persons who have been granted scholarships those who were recommended by the scholarships committee ?

**The Hon'ble Rai Rajeshwar Bali :** I have already said that the recommendations of the committee are confidential.

**Pandit Govind Ballabh Pant :** How many of those who got these scholarships were recommended by the committee for the purpose ?

**The Hon'ble Rai Rajeshwar Bali :** I have already said that they are confidential

**Pandit Govind Ballabh Pant :** Will the Government consider the advisability of appointing a permanent scholarships committee with some members to be elected by this House ?

**The Hon'ble Rai Rajeshwar Bali :** I do not think there is need for such a committee. Unless we are dissatisfied with the work of these *ad hoc* committees, we cannot consider the question.

**Pandit Govind Ballabh Pant :** Does the Government consider that there is no need for such a committee because the present procedure gives larger latitude to the Government ?

**The Hon'ble the President :** That is asking for opinion.

#### FINANCE COMMITTEE MEETING.

\*56. **Pandit Govind Ballabh Pant :** Was any meeting of the Finance Committee of the Council held or convened after the dissolution of the Council ?

**The Hon'ble Sir Sam O'Donnell :** The Finance Committee being a standing committee of the Council comes to an end with the dissolution of the latter. The result is that, until a new Finance Committee is appointed, Government have no committee of non-officials available to advise them on the matters with which the Finance Committee usually deal. To supply this want Government decided to call together an advisory committee, and for obvious reasons selected as members of this committee those gentlemen who were formerly members of the Finance Committee. Government are considering the question of proposing an alteration in the standing order so as to ensure the election of a new Finance Committee at the earliest possible date after a new Council comes into existence. But changing a standing order is a process that takes time ; and, in any case, there will always be an interregnum between the dissolution of one Council and the first meeting of the next, during which Government, if they desire advice, must take a step, such as they took on this occasion. They took the same means of obtaining advice in the interregnum between the first and second Councils.

**Mr. O. Y. Chintamani :** Were the notices to the members of the committee issued to them as members of the Finance Committee or as members of an advisory committee ?

**The Hon'ble Sir Sam O'Donnell :** I do not think I saw this notice. If they were issued to them as members of the Finance Committee, it was an error.

**Pandit Govind Ballabh Pant :** Had the gentlemen invited ceased to be members of the Finance Committee ?

**The Hon'ble Sir Sam O'Donnell :** Not on the date on which they were invited, but on the date on which they met some of them had ceased to be members.

**Pandit Govind Ballabh Pant :** What interval had elapsed since the last meeting of the Finance Committee on the date when the other meeting was held ?

**The Hon'ble Sir Sam O'Donnell :** It must be about six weeks. I think the dissolution was in October, so I think it must have been at least six weeks to two months.

**Pandit Govind Ballabh Pant :** When was the last meeting of the Finance Committee held before that advisory body met in December ?

**The Hon'ble Sir Sam O'Donnell :** I think it was some time in October. I do not remember myself.

**Pandit Govind Ballabh Pant :** What was the date on which this advisory committee met ?

**The Hon'ble Sir Sam O'Donnell :** Some time in the first week of December.

**Pandit Govind Ballabh Pant :** Had even the fresh selections taken place before that ?

**The Hon'ble Sir Sam O'Donnell :** Fresh elections had just taken place.

**Pandit Govind Ballabh Pant :** Has the Government formed the new Finance Committee ?

**The Hon'ble Sir Sam O'Donnell :** No, for the reason that I gave in the answer.

**\*57. Pandit Govind Ballabh Pant :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

#### COST PRICE PER BOTTLE OF GERMAN AND JAVA LIQUORS IN UNITED PROVINCES.

**\*58. Pandit Govind Ballabh Pant :** What is the cost price per bottle of the cheaper varieties of German and Java liquors imported in this province ?

**The Hon'ble Thakur Rajendra Singh :** The information is not available.

**Babu Bhagwati Sahai Bedar :** Is there no shop in these provinces that deals in sales of German and Java liquor bottles ?

**The Hon'ble Thakur Rajendra Singh :** Cost price and not sale price.

METHOD OF SELECTING LICENSEES FOR SALE OF LIQUORS.

**\*59. Pandit Govind Ballabh Pant :** What is the method of selecting licensees for the sale of liquors and drugs in areas outside the jurisdiction of licensing boards ?

**The Hon'ble Thakur Rajendra Singh :** The honourable member is referred to rule 78A of the supplement to the Excise Manual.

**Pandit Govind Ballabh Pant :** What is the present method of selecting licensees ? Are they selected by the excise officers in areas outside the jurisdiction of licensing boards ?

**The Hon'ble Thakur Rajendra Singh :** By the Collectors.

**Pandit Govind Ballabh Pant :** Is it a fact that the present system of selecting licensees gives a large latitude to those who have to make the selection ?

**The Hon'ble Thakur Rajendra Singh :** Yes.

**Pandit Govind Ballabh Pant :** Is it the intention of the Government to curtail that liberty of licence ?

**The Hon'ble Thakur Rajendra Singh :** I will consider it.

VERNACULAR TRANSLATION BUREAU.

**\*60. Pandit Govind Ballabh Pant :** What action has Government taken on the resolution recommending the formation of a vernacular translation bureau ?

**The Hon'ble Rai Rajeshwar Bali :** The honourable member is referred to resolution No 61G published in part VIII of the Gazette, dated January 22, 1927.

**Pandit Govind Ballabh Pant :** Is it the intention of the Government to permit this House to select or to elect some members for this Hindustani academy ?

**The Hon'ble Rai Rajeshwari Bali :** No.

**Pandit Govind Ballabh Pant :** Has this House the power of electing some representatives on the Court of the Allahabad University ?

**The Hon'ble Rai Rajeshwar Bali :** Yes.

**The Hon'ble the President :** This is becoming an argument.

LAND REVENUE AMENDMENT BILL.

**\*61. Pandit Govind Ballabh Pant :** When does the Government intend to re-introduce the Land Revenue Act Amendment Bill in the Council ?

**The Hon'ble Sir Sam O'Donnell :** A reply will be given at a later date.

**\*62. Pandit Govind Ballabh Pant :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

**\*63 to \*65. Khwaja Khalil Ahmad Shah :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]



**ELECTIONS.****PRIMARY EDUCATION ADVISORY COMMITTEE.**

**The Hon'ble the President :** Two non-official members are required to be elected by the Legislative Council to serve on the Advisory Committee constituted under rule 2 (1) (5) (c) of the rules made under section 18 of the United Provinces Primary Education Act, 1919.

The following nominations were made :—

Rai Bahadur Babu Mohan Lal and Mr. Zahur-ud-din were proposed by Maharaj Kumar Major Mahijit Singh and seconded by Khan Bahadur Jafar Husain :—

Babu Kavendra Narayan Singh was proposed by Pandit Nanak Chand and seconded by Rai Bahadur Lala Mathura Prasad Mehrotra.

Thakur Hukum Singh was proposed by Babu Prayag Narayan and seconded by Raja Jagannath Bakhsh Singh.

**Thakur Hukum Singh :** I withdraw my name.

**The Hon'ble the President :** For the two seats on the United Provinces Primary Education Committee the following three names have been suggested :—

Rai Bahadur Babu Mohan Lal, Maulvi Zahur-ud-din and Babu Kavendra Narayan Singh.

Two of these have to be elected.

**EXCISE ADVISORY BOARD.**

**The Hon'ble the President :** The non-official members of the Council are required to elect six members from amongst themselves to serve on the provincial Excise Advisory Board.

The following nominations were made :—

Babu Uma Shankar, Hafiz Muhammad Ibrahim, Chaudhri Jagannath Prasad, Saiyid Habib-ullah, Khan Bahadur Saiyid Muhammad, and Mr. St. G. Jackson were proposed by Dr. Shafa'at Ahmad Khan and seconded by Rai Bahadur Babu Mohan Lal.

Pandit Rahas Bihari Tiwari was proposed by Pandit Nanak Chand and seconded by Babu Prayag Narayan.

Bhaya Hanumat Prasad Singh was proposed by Rai Bahadur Lala Mathura Prasad Mehrotra and seconded by Kunwar Sardar Singh.

Raja Raghuraj Singh of Mankapur was proposed by Babu Bhagwati Sahai Bedar and seconded by Thakur Manjit Singh Rathor.

**The Hon'ble the President :** For six members to serve on the provincial Excise Advisory Board, the following nine names have been proposed. Out of these nine, six have to be elected :—(1) Babu Uma Sankar, (2) Hafiz Muhammad Ibrahim, (3) Chaudhri Jagannath Prasad, (4) Saiyid Habib-ullah, (5) Khan Bahadur Saiyid Muhammad, (6) Mr. St. G. Jackson, (7) Pandit Rahas Bihari Tiwari, (8) Bhaya Hanumat Prasad Singh and (9) Raja Raghuraj Singh of Mankapur.

## BOARD OF COMMUNICATIONS.

**The Hon'ble the President:** The non-official members of the Council are required to elect three representatives to serve on the Board of Communications.

The following nominations were made:—

Rai Bahadur Lala Mathura Prasad Mehrotra was proposed by Raja Jagannath Bakhsh Singh and seconded by Mr. C. Y. Chintamani.

Khan Bahadur Shah Badre Alam, Thakur Manak Singh and Kunwar Surendra Pratap Sahi were proposed by Maharaj Kumar Major Mahijit Singh and seconded by Rai Bahadur Babu Mohan Lal.

Mr. Mukandi Lal was proposed by Babu Ganga Prasad Roy and seconded by Babu Bhagwati Sahai Bedar.

Hakim Mahbub Ali Khan was proposed by Shaikh Ghulam Husain and seconded by Sayid Jafar Husain.

Babu Prayag Narayan was proposed by Thakur Hukum Singh and seconded by Rai Bahadur Lala Mathura Prasad Mehrotra.

**The Hon'ble the President:** Mr. Mukandi Lal has withdrawn his name. The following six names have been proposed for three seats. Out of these three have to be elected:—Khan Bahadur Shah Badre Alam, Thakur Manak Singh, Kunwar Surendra Pratap Sahi, Hakim Mahbub Ali Khan, Rai Bahadur Lala Mathura Prasad Mehrotra and Babu Prayag Narayan.

**The Hon'ble the President:** The result of the election for the Advisory Committee constituted under rule 2(1)(5)(c) of the rules made under section 18 of the United Provinces Primary Education Act, 1919, is that the following members have been elected:—

Rai Bahadur Babu Mohan Lal and Maulvi Zahur-ud-din.

RESOLUTION *RE* IMPROVEMENT OF RURAL AREAS.

**Pandit Govind Ballabh Pant:** I move—

“That this Council recommends to the Government to prepare a scheme for promoting primary and vocational education, sanitation, agriculture, cottage industries, co-operation, means of communication, and medical relief in rural areas, to allot a definite amount annually for the above purposes for the next three years and to grant therefrom substantial additional aid to the district boards.”

The resolution I have the privilege to move today is of a comprehensive character; there is nothing original or novel about it. I had opportunities of raising a discussion on the subject of rural development more than once during the last three years. If I refer to the subject again today it is because it is one of those matters to which I attach great importance. It is one of those problems on the solution of which, I believe, the future progress of this country, its capacity to govern its own affairs, and its right to stand on its own legs, depends. The question of rural development is in a way very comprehensive. In a province like ours, where 90 per cent. of the

[Pandit Govind Ballabh Pant.]

people live in villages, even a little progress, a little advancement, a little addition to the amenities and the comforts of life in those parts would benefit about forty millions of people. So, considering the great good that can accrue from a proper solution of this problem, I beseech the attention of this House and expect that this resolution, which is of a non-contentious character, will be passed by the Council unanimously, by the officials as well as the non-officials. I do not think it is necessary for me to paint the picture of the very deplorable state of things that prevails in rural areas before the members of this House, a goodly number of whom are people hailing from the villages, and who have a direct personal knowledge of the difficulties, of the privations, of the miseries and the hardships which are borne by the people living in those parts. Being fresh from the recent elections, I trust every member of this House must carry the recollection of the state of things actually observed by him in the course of his election campaign. I venture to remind honourable members also of the promises and the hopes that they must have held out to the electorate in the course of their election campaigns. Sir, I referred just a few minutes back to the gigantic nature of the problem which faces us. I have referred to the large number of people living in the villages. I do not think it is necessary for me to remind the honourable members of the large number of villages scattered over this province. We have to deal with not only about as many people as there are in England and Scotland, but they are scattered over about one lakh of units, which is the number of villages, roughly, in these provinces. The appalling state of ignorance, poverty and misery of the villages should not be further dwelt upon. We are here concerned with the solution of the problem and we have to take note of the fact that this is the state of things after 150 years of British rule. We have to take note of the fact that, at present, the proportion of illiterates in our provinces is almost equal to the proportion of literates in advanced countries. We have also to take account of the fact that the slow progress that has been made so far, even if it is maintained, will require hundreds of years to cover the ground that has yet to be covered. There is a large leeway to be made up and we have to see how we can do so. Sir, I believe we are all aware of the low vitality of India. We must be conscious of the fact that the expectation of life in our province is not even half of that which a Westerner expects in Europe or in America. While there the average expectation of life is about 45 years, here it is said to be something between twenty-two and twenty-four years, and what is the most discouraging and threatening feature of this is that, as time advances, we are being told that this expectation is likely to go down. While some years back the expectation of life in our province, according to some economists, could be fixed at twenty-four years, it cannot be put now higher than twenty-two. We also know that the death-rate in the province is almost double that which we can find in any country which can boast of any sort of civilization. Epidemics are one of the inalienable features of this province. You may open any issue of the Gazette and you will find some portion or other of the provinces suffering from some epidemic disease or other. There is no part of the year when the province can be said to be immune from epidemics for even one week. While in other countries

the population has been growing by leaps and bounds, and, taking all the provinces into account, in India too, between the years 1890 and 1920, there was an increase of about ten per cent., in our province there was an actual decrease. It again goes to show how very poor is the vitality of our people and how inadequate are the resources. It proves conclusively that there is a real lack even of creature comforts and of those things which are necessary for the bare maintenance of life. I may also remind honourable members that if they will look at the decennial figures they will find that very little progress has been made, and if that speed is maintained it will require many centuries to reach even the stage that prevails in the backward countries of the West today. I will not talk of our agricultural backwardness. I will not talk of the regular flow of our people from the cities to villages. That is the natural consequence of the destruction of industries, whether by artificial means or whether the decay be due to natural causes. The only thing on which people have to fall back is land, and naturally this leads to very severe pressure on the land. Further pressure without adding to further proportionate production leads to further weakening, to the distribution of almost constant quantity of produce among a larger number of people and consequently to deterioration in every direction. The little creature on whom this superstructure of Government is based, from whom everybody derives nourishment and who pampers the man in the palace as well as in every profession in this country is entitled to some sort of regard and tenderness from those who pose to be his representatives in this House. It is, as I said, a problem which surpasses everything else in its importance and which claims an urgent solution. On the other hand, the financial resources of the provinces cannot be unlimited. During the last six or seven years there has been a considerable increase in the provincial revenues. It should be roughly put down at something like 35 to 40 per cent. at least of what it was prior to 1919. Some effort has been made to improve the lot of those who are steeped in misery and ignorance. Still, if you look at the expenditure and the results that have been attained, one can say, without entering into the question whether full value has been earned for the money spent or not, that this scale, if maintained, will require millions and millions; at the same time it will require a long period to attain that normal strength to which the people of this country are entitled to look forward. In these circumstances, it is necessary that the whole question should be examined; it is also necessary that progress in these directions should not be of a spasmodic character, but it should be in accordance with a systematic scheme formulated for that purpose and it should not vary with the freaks of the monsoon or the vicissitudes of the finances of the provinces. I claim that if it is necessary to borrow one crore of rupees for police buildings during a period of three years, it is much more necessary, and an investment which is more profitable and more useful ultimately—it is much more necessary to frame a definite scheme for the development of rural areas with the definite understanding that in case the income in any particular year from the current sources is not enough to meet the expenditure in that year, then Government will borrow to meet the expenditure in that year. What I am suggesting in my resolution is that there should be a definite scheme. This scheme should cover all those subjects that have a direct or indirect bearing on the life of the ordinary villager; that

[Pandit Govind Ballabh Pant.]

scheme should be financed and that there should be provision for a graded scale of expenditure. In case the money is not sufficient to meet the expenditure in any one year, Government should borrow as much as may be necessary to meet the deficit. I also suggest that the scheme should, in the beginning, be formulated for a period of three years. There are reasons why I do so. The life of the Council is normally three years. The Hon'ble Ministers when they are installed in their chairs normally look forward to their life for this period. So it behoves us, at the very outset when we are entering into our duties, to determine in a distinct and definite manner what we are going to do during the next three years. I may correct myself and say, to find out what those who are in power are going to do for the next three years. It will enable us either to look forward with hope or to suffer disappointment at the very outset. It will enable us to see if the results that are attained thereafter are in accordance with the hopes that were held out to us at the beginning. There is one other reason why I want such a scheme to be framed. The Hon'ble Ministers have not so far given us any scheme which they mean to work. They have not given us any time-table. We do not know whether it is the intention of the Minister of Education to double the number of schools, to treble the number of students and scholars that are in them today, to make it possible for the boys to be retained in the schools up to the upper primary stage at least, whether he intends to prepare a scheme for vocational education and whether he has any definite ideas for the next three years which he means to put into effect year by year, so that at the time his life is out as Minister with a hope of resurrection I am prepared to admit, by that time he may show us the results which he intends to attain in accordance with the scheme which may be published today or within a short time. Similarly, we do not know what the Minister of Industries proposes to do, whether he stands for industrial concerns or for a net work of small cottage industries, what are the particular subjects on which he means to concentrate his attention, how he proposes to finance them and how, year by year, he intends to tap the resources of the province and to redress the natural conflict and competition between the various portions of the province from north to south and from east to west. Similarly, we do not know how the local bodies are to be treated during this interval. They cannot frame any scheme for themselves—any scheme for expansive development unless and until they know that they are going to have something by way of additional grants during the next two or three years. I will not develop the point further. It will appear to the honourable members of this House that unless and until we have a definite and clear scheme before us we cannot earn full value for the money that we may spend. A policy of drift cannot lead to results which can be attained economically from a system based on scientific methods. So I propose that some scheme should be prepared for the next three years.

I will now turn to the other points which I have raised in my resolution. I have confined the scope of this resolution to rural parts and have not touched the urban areas. The urban areas have their needs, and I am prepared to accept that they have a right to look up to the Government for generous treatment. But I feel that the rural areas have been more or less neglected. I feel that the men in the villages are not as vocal as those living in other places and are not as

well organized or equally powerful. In these circumstances if they had not received an equitable share of the attention or of the financial expenditure incurred by the Government for beneficial purposes so far, there is nothing strange about it. There is one more special reason why I want the Government to concentrate over the rural areas. The Improvement Trusts have spent lakhs and lakhs over cities, and I am told that the expenditure there is going to be of an unproductive character except in a few places. Indeed, the Government have already wiped out or deferred the realization of instalments which were due from the Trusts. I further understand that the universities are getting a goodly share out of the public revenues. When I say so I do not mean to suggest that they should not get more, nor even that they do not deserve more; but I do demand that the poor man should have his full share of education, at least in the primary stages. I am prepared to accept that a university is a place for those who want to obtain high education and to conduct researches. I am prepared to accept that thinkers can be produced only in universities. I am prepared to accept that the science of physical culture can be studied only in well-established gymnasia. But what I want is that the man who is starving and dying today should get at least one little slice to fill his empty mouth. I am not prepared to accept that the world is meant only for those who have, and that the have-nots should be condemned for good. It is because I claim justice for those who are not in a position to assert their rights that I beseech the sympathy and support of every just-minded member of this House.

There is one more reason, and it is this. The income of the municipal boards, though they are concerned with not more than one-tenth of the population that lives in the villages, is almost equal to that of the district boards. While the incidence of income per head in a district board is about 6 annas, in a municipal board it is about Rs. 4-8, so that in a municipal board the resources per head are twelve times as great as they are in the area comprised in the district board, and because the men who are in a position to look after themselves through their own resources should not be subjected to the demoralizing effect of receiving doles and help from others, I think it is morally sound and just that those from whom we have squeezed everything that we could should receive such assistance as they are entitled to.

There is a further reason, and it is this. In other countries all rural local bodies look to the land for financing measures for rural relief. It is regarded more as a subject for local taxation than for central; but in our country more than half of the central revenues are derived from land and so nothing is left for the poor man to contribute towards his own local needs and requirements. As, therefore, he contributes the greatest share of the provincial revenues, he is entitled to a lion's share out of them; but, alas, he has not been so treated. How many lakhs of rupees have been spent so far over water-works in big cities? How large are the obligations which the Government have undertaken for supplying electric power in order to light the streets in a few cities only. Just compare the expenditure which has been incurred and the obligations which have been undertaken year after year in order to increase the amenities of these cities, and then compare the population which lives in them with the

[Pandit Govind Ballabh Pant.]

vast population of the province; and what is the proportion? It does not affect 3 per cent. of the people, if you take the population of these few cities which between themselves have consumed several crores. In these circumstances it is just and fair that these people should get a reasonable share for their development. It is because I consider that their needs cannot be postponed any further and it is because I feel that it is the moral duty of those who are in a position to take account of the requirements of those on whom they live and who feed them, that I appeal to every section of this House to take up the cause of the down-trodden in this province and to look after their interest with sympathy and understanding. If you will be pleased to look at the additions that have been made to the district board grants during the last three or four years, it will be apparent that there has not been such an addition as we are entitled to claim.

During the last two years the province has received remissions in the provincial contribution to the tune of about a crore of rupees. I had moved a resolution in this House to the effect that all amounts that are received by means of this remission should be devoted to the development of the rural areas. Whether that resolution was in consonance with the canons of finance or not is not the point at issue. What I desire is that, so far as this one crore of rupees is concerned, the Government should have a definite scheme of rural development and this amount should be devoted exclusively to that one purpose. What is the condition of sanitation in our villages? Who does not find it necessary to stuff his nose in order to avoid the stink while passing through the village lane? Just imagine how you drive over these fine roads in your motor cars and consider and compare the state of village paths over which even carts can be carried with very great difficulty in the months of July and August. Are we to have such an iniquitous and unfair division in life all through? Will the man in the village be allowed to suffer and will we have all the things to enjoy? Such a division of labour, however flattering, however profitable, and however useful it may be to us, will certainly recoil and will bring Nemesis down on us some day sooner or later. The condition of the men in the towns is not ideal. If we compare how we live in the towns and how the people in the Western countries live in the towns and even in the villages, we feel the agony of subjection. But when we go beyond that and see the condition prevailing in the villages, then we find ourselves on a plane which is outside the pale of humanity. It is because every human being is entitled to be treated at least with creature comforts that I claim that, according to the recognized notions of social and political sciences today, it is the duty of the Government to provide for their elementary needs.

I will not develop any arguments beyond what I have said. To me it seems that the subject is very simple and every member of this House should be fully conscious of his own duty in the matter, of the responsibility that he owes to his constituency and, above all, of the moral duty that he owes to his poorer countrymen to give back to them what they have been giving in order to enrich the life of others. It is because they are entitled to claim compensation and because it is

time for us to give back to them the capital—not only the capital but also the interest—that I propose this resolution.

**Rai Bahadur Lala Mathura Prasad Mehrotra:** The amendment that stands in my name runs as follows :—

“For the full-stop at the end of the resolution substitute a ‘comma’ and add the words ‘in consultation with a committee of officials and non-officials specially constituted for the purposes.’”

I rise to congratulate the honourable mover who has brought forward, in one resolution, all the grievances, requirements, and shortcomings of the transferred departments. There can be no two opinions about the urgency and propriety of the demands contained in the resolution. Let us examine the resolution point by point. It deals with primary and vocational education, sanitation and medical relief, which are under the Minister of Education; it deals with agriculture, cottage industries and co-operation, which are under the Minister of Agriculture and it deals with means of communication, which is under the Minister of Local Self-Government. It will thus be seen that, in short, it concerns all the Ministers. I do not know whether all the Ministers sit together and decide their subjects in consultation with each other or whether they do so individually in respect of their own individual subjects. In Madras there is a Chief Minister who is responsible for all the transferred departments. The question is whether any of the Ministers in our provinces will like to take the responsibility of all the subjects in the transferred departments, because otherwise everyone will be labouring under the impression that the other will take up the matter and thus it will remain a dead letter. I have, therefore, proposed a committee of the officials and non-officials in my amendment of which all the Ministers should necessarily be members as well as some of the experts suggested by them, so that they may know that they have to deal with a certain matter for which all of them are equally responsible. As to the demands made in the resolution, I think that they can be only met properly and in a satisfactory manner if they are entrusted to such a committee as I have proposed. Without it, and under the present circumstances, I feel that they will remain a dead letter. Therefore I have moved my amendment and hope it will be supported by all the non-official members of the House.

**Saiyid Tufail Ahmad:** In supporting the resolution I wish to say something about its first item. There are about eight items in it, viz., Education, Industries, Co-operation, etc., but primary education is the basis of all improvements, so I beg to lay before you some figures about it.

Our province, Sir, is regarded as the heart of India. It is called India proper or Hindustan by the residents of other provinces. In population it is second to none but Bengal that has got a population of 47 millions, while we have got a population of 46 millions. But I am sorry to say that in literacy we have been from a long time backward; at least for the last thirty years. In the census of 1891, our literacy figures were 3·2 per cent, and on account of this the Census Commissioner of that time made the following remark about our province; “North-Western Provinces (as it was called in those days) enjoys the distinction of being the most illiterate of the great provinces of India. It is surpassed in this respect, only by the backward province of Central



[Saiyid Tufail Ahmad.]

Provinces." After this candid pronouncement by a Government officer we ought to have expected some improvement, but I am sorry to point out that in the next decade which ended in 1901, our literacy fell from 3·2 to 3·1 per cent., and after a period of thirty years we now see that the backward Central Provinces has gone ahead of us, and at this time we are at the lowest rung of the ladder. At present the most forward province in India is Burma that has a literacy of 27·7 per cent., The North-West Frontier and Baluchistan are regarded as the most backward provinces, but even they have a literacy of 4·7 per cent., while we have a literacy of 3·7 per cent. only. Not only the provinces of British India, but there are a number of Native States that have gone ahead of us. I may name Barod that has a literacy of 12·8 per cent., and Mysore that has a literacy of 7·4 per cent., and Kotah has a literacy of 4 per cent., as against our literacy of 3·7 per cent.

We have been hearing a good deal about the introduction of compulsory education in India since the time of the late Mr. Gokhale and we have been looking forward with much expectation. Now, let us see what improvement we have made since 1901, if not from 1891. In 1901 we had a literacy of 3·1 per cent. as I said before. In the next decade, i.e., in the census of 1911, we had a literacy of 3·4 per cent., and in the last census we had a literacy of 3·7 per cent., that is, we raised our literacy only by ·3 per decade. That comes to 1 per cent. in 31 years. This has been the rate of our progress, i.e., 1 per cent. in 33 years. We are behind even the North-West Frontier Province and Baluchistan by 1 per cent. so if we go on at this rate, we can only reach, not catch, the literacy of Baluchistan in 33 years. This is our present speed. The average literacy of India is 7·3 per cent. and with this speed we will reach the average literacy of India in 119 years, and we will reach the present literacy of Burma in 797 years, and we will reach the literacy of Russia in 3,000 years. A short time ago I read in a paper that Russia accomplished this change in only seven years: I happened to read this in the papers only and will not hold myself responsible for these figures. It is alleged that the literacy of Russia was only about 7 or 8 per cent. seven years back. Now it has gone up 93 or 94 per cent. This means, that when the rulers of a country really mean to do a thing, they do it in an instant. These are the figures of literacy that I have laid before you.

I will not deal with other departments, viz. Agriculture, Industry, Co-operation, etc., but I have no doubt that we are very much backward even in those departments, and I would try to give figures of those as well, on a more suitable occasion. With these few words I would conclude my speech.

**Babu Shyam Lal:** When I came to this Council I had no intention of standing up and addressing it. I labour under double disadvantages. It is the first time that I have the honour of sitting in this august assembly as the representative of the rural population of Cawnpore. The first disadvantage is that I am blank as far as the Council or political literature is concerned. The second is that a person in my position, who has passed the best portion of his life in a chemical laboratory sometimes breathing chemical gases finds himself when standing in such a brilliant assembly as if he were standing in a suffocating atmosphere of

chlorine, and however much he may try to keep up his temperature he finds his energy freezing below zero under the enormous pressure of nervousness. In these circumstances I would crave the indulgence of this House if I cannot support this important resolution in glowing language or in such brilliant expressions as are used by the orators, and if I cannot do full justice I hope the Council will excuse me. I, Sir, stand up to give my full support to this important resolution. Of course, I would not have stood up, but I find that as a representative of the rural population whose condition is certainly deplorable, I would not be true to my constituency and to the community to which I belong—I mean the zamindars, if I did not give my support to it. A zamindar must be blind to his own interests if he is callous to his own tenantry and to the rural population. It is the primary duty of a zamindar to protect his tenantry and to watch their interests. During this last campaign of election I had occasion to go to the countryside and I was simply shocked to find poor persons who had hardly even one meal a day. They were nothing but merely emaciated specimens of humanity. So far as illiteracy is concerned, I am sorry to say that after a British rule of 150 years it is still in a state which is not a matter of congratulation to Government or, for the matter of that, to any Government which claims to be a civilized Government.

I wish to offer a few suggestions because I think that, without any practical suggestions, any attempt that might be made towards agriculture improvement will not be of much avail. Of course, I found at places that the roads were so bad that they could not be called roads, and I would congratulate a man who could pass them even in a bullock-cart, to say nothing of dog-carts or motor cars without injuring himself. Until the means of communication are improved I do not think that any system of medical relief would be of any avail. Nobody would be able to approach the rural population. The second point is that we ought to improve our drainage. Unless drainage is improved, specially in canal irrigated areas where there is water-logging and super-saturation of soil, I am sure the productive power which is being decreased by super-saturation of soil, will not be benefited by any system of improvement in the process of agriculture. Of course, I have not studied this literature, as I have already said in the beginning, and, therefore, I will confine my remarks only to this and resume my seat after expressing my inability to do justice to the resolution and I hope the Council will pardon me.

**Rai Bahadur Babu Mohan Lal:** I stand to support this resolution, not because it requires support but because I hold an equally hybrid position with the present Government. I am chairman of the municipal board and have been elected from the rural areas. Therefore my position is as hybrid as the position of this Government. Then, the opinion which I would now express before this Council would carry more weight because I am talking against my own interest as chairman of the municipal board and because I have stood up to support the rural cause.

When I saw this resolution on the agenda, I felt very happy. The rural population has been emaciated by bad and insufficient diet, by bad sanitation, and by chronic diseases. Their lives have always been a prey to malaria in every autumn season and to plague whenever it broke out and

[Rai Bahadur Babu Mohan Lal.]

I now find that the honourable mover has prescribed a panacea which will cure not only the disease but will eradicate this disease from which this rural population has been suffering for a long time. Although at the present moment this prescription may look very complex, very complicated, but on closer examination it would be found that it consists of such ingredients as would fully eradicate the disease and if the three Hon'ble Ministers would put their heads together, there would be no difficulty in preparing a scheme to remedy this evil and to find out a solution of the problems embodied in this resolution. I do not see any difficulty in all the three Hon'ble Ministers sitting together, as the subjects under their control are so related to one another that a common scheme could be prepared for fulfilling all the objects mentioned in this resolution. As chairman of a district board I had opportunities of going to the villages, and as a candidate from the rural areas had still greater opportunities of visiting these villages, and I can say that the life of these villagers is simply deplorable, as has been depicted by the honourable mover. The sort of education that is imparted to them by means of the present schools is of no value to them. If the House would closely examine the school registers, they would come to know that very few students come from the communities which require education the most; almost all the students belong to the zamindar class or to the money-lending class or to the other higher classes. Very few students come from the lower classes such as Chamars, Pasis, etc., who are taking to agriculture in the rural areas. The mere imparting to them a knowledge of the three R's is not sufficient, I would rather say that this knowledge of the three R's spoils them. The proverb that "a little knowledge is a dangerous thing" applies to them fully. They can make no use of this little knowledge of the three R's unless the syllabus is so changed and so arranged that vocational education, such as methods for the improvement of agriculture and principles of co-operation, is given to them. I have always been making this suggestion in my annual district board administration reports. I find that after receiving this little education they think that they have become gentlemen and that it would be beneath their dignity to attend to their hereditary profession of working in the fields. They roam about like gentlemen at large. If, however, the syllabus is so changed that it may include agricultural education also and if small fields are attached to schools and if demonstrations are given to them as to how agriculture can be improved and if principles of co-operation are also impressed on them in their school life, they will never have that idea that going to the fields is degrading. I do not consider it beneath my dignity to go to fields; I have started two farms and I always go to see those farms, but the village boys after receiving education up to the upper primary class do not like to go to the fields. But if vocational education is given to them, if lessons in agriculture are taught to them, if agriculture is taught to them by means of practical demonstrations in the school hours on small fields attached to the schools, then they will take some interest in their hereditary profession and the knowledge of the three R's could then, and then alone, be suitable for them and not otherwise.

Then, Sir, I am chairman of two co-operative societies and I have not yet been able to impress upon the people, illiterate as they are,

that this is their own business and not *sarkari* business. They consider the loans advanced by these co-operative societies to be in the shape of *taqavi* and they are very much afraid of joining the societies. They are illiterate people and we have not been able to remove the idea from their minds that these societies are their own concern and not *sarkari* business. Therefore if elementary principles of co-operation are taught in the schools then they will know that this is their own concern and it is needless to say that co-operation has been very much successful in the Western countries in the uplift of the people and in the development of their material and economic condition. I will not enter into the details of the points taken in this resolution—that will take long—suffice it to say that though this resolution may appear to be a very difficult resolution, yet if the three Hon'ble Ministers will put their heads together they would certainly find out some scheme to improve the condition of the people in the rural areas. This little grant which is at present made to the district boards is quite inadequate to meet the real demand of the people and unless a permanent scheme is made on a progressive line to improve the condition of the rural people, these little grants would go for nothing as has been said by the honourable mover, and I quite agree with him. Therefore I would submit one thing more which is not unknown to the Hon'ble Ministers. They are as much representatives of the rural population as we are and it is also their bounden duty to see to the comforts of the rural area as it is our own duty, and unless we look to the interests of the rural population I think we shall not be discharging faithfully the duty to discharge which we have taken a vow when we entered this Council, and I would consider that day to be a memorable day in the annals of our provincial administration when this resolution will be seen working in full swing.

**Mr. G. Clarke :** I rise to place before the House certain statements and facts connected with agriculture which, I think, should be taken into consideration before a decision is made on the resolution which has been moved. It will be within the recollection of the honourable members that the budget for 1926-27 of my department was 24.4 lakhs, the budget for 1916-17 was 6.8 lakhs. Ten years is a short period in the history of agricultural development, but in that period our budget has increased by three and a half times. I think this will satisfy honourable members that agriculture has not been neglected either by Government or by this House since my department became dependent on the vote of the Council for its supplies. Judging from the standpoint of finance, progress has been remarkable but that is not the only test. The central purpose of the scheme which my department is working out is to serve all who gain their livelihood from the soil. If we are to examine properly the resolution which is now before us we must look at the various branches of work which bring us into close contact with rural classes and see what their present condition is and how far they are likely to be improved if the resolution is adopted. Agricultural education, demonstration, seed distribution, cattle-breeding and agricultural engineering bring us in close contact with all classes. We rely on these agencies for agricultural progress and I can show that in these schemes progress has been more rapid and the result more beneficial and lasting than the most sanguine observer would have anticipated ten years ago. I cannot in the course of the debate give the full details

[Mr. G. Clarke]

on which I rely in support of these statements. This will be found in the Annual Administration Reports of my department, but I claim the indulgence of the House while I quote one or two examples. Our seed distribution scheme which is well known to the honourable members from rural constituencies has steadily increased from 50,000 maunds in 1916-17 to 105,000 maunds in 1926. The results of ten years when translated into terms of money will appeal to all who are interested in the material prosperity of the cultivators.

At the 1926 harvest the value of the wheat and cotton grown from seed distributed by the department was 140 lakhs more than it would have been if departmental seed had not been sown. The crop of Java sugarcane grown on 30,000 acres in nine tahsils of Kheri and Shahjahanpur is worth 90 lakhs, and 36 lakhs more than it would have been if Java cane had not been grown. The extra amount in these nine tahsils is more than the revenue of the two districts. In our scheme for the improvement of the condition of the cultivator we have enlisted the active assistance of the landowners, to whom all countries must look to give the lead in matters relating to agricultural development. Large scale farming by modern methods is developing rapidly. Ten years ago I doubt if there were 30 private farms opened which were run on modern methods. There are now 621 worked under the supervision of, and with the advice of, my department. We are using an increasing number of them to produce pure seed for distribution to the cultivator, and we are thus making them of immediate service to the rural community. During the last 18 months the owners of 30 private farms have entered into contracts to produce and sell to the department 20,400 maunds of seed during the next five years. The bill referred to by the honourable member of the resolution can only be removed by one thing, and that is increased production. And the first step in this direction is the technical education of the cultivator. The principle underlying the scheme which is now being worked by the Agricultural department is the education of the cultivator. This object is always before us. I submit that the educational result of the work which I have just described is of more value to India in the long run than the immediate financial gain. What the cultivator needs and what he responds to instantly is a demonstration of superior technical skill. His education can be achieved only by that means. He will not listen to the best intentioned propagandist unless he can show him that he can do better work on his own field than the cultivator can do himself. The principle underlying the scheme which my department is working out is based on this. Our work is carried out in many instances in remote villages, but it is so important that the House should know by one or two examples the result of our efforts in the technical training of the cultivator, that I shall again ask the indulgence of honourable members while I give a very brief example. In 1918 a small plot of land, 1½ acres, was hired in a group of villages in the Bargauon pargana of the Shahjahanpur district. A trained demonstrator was sent there to instruct the cultivators in certain methods. At that time this group of villages was growing 247 acres of sugarcane. It possessed 64 sugarcane mills. In 1926-27, 273 acres were under sugarcane and there were 146 mills and two power-driven mills dealing with 82,000 maunds, as well as 16 centrifugal machines for the

manufacture of sugar. The yield had increased twofold with practically the same area under sugarcane cultivation. This was brought about as the result of the instruction of the technical expert sent there. Cattle breeding is a matter of vital importance to this country. Honourable members who have followed the course of the debates of the agricultural budgets in the last two years will remember that our cattle-breeding section has been completely re-organized. It has a separate expert staff whose work is guided and controlled by a provincial committee, one of the most useful and regularly attended of our expert committees. The policy of the department with respect to cattle-breeding is decided by it, and as a result we work on a definite scheme which has the approval of the public. I submit, Sir, therefore with regard to agriculture that we are working out a definite policy of development guided by our expert boards and committees, and what we require is not a new scheme but provision for a steady rate of progress. There is no reason whatever to believe that this will not be forthcoming. In fact we are more hampered by want of experienced workers than we are by want of funds. Twenty years of close contact with the agricultural development of these provinces has convinced me that schemes of the kind we are now considering are seldom if ever brought to a final conclusion. I feel that a very different result would have been obtained if the time and energy which I myself have put into schemes which have never materialized had been spent in solving the cultivator's problems in his own village. I do not wish to be misunderstood. Organization is important, in that it enables us to make the most of our facilities. We must take care to see that the department's policy is elastic, and above all that it has public approval. But I submit, Sir, that this is assured already by the final control of this House and by the guidance of our expert boards and committees. No scheme devised by the wit of man can in three years alter the work my department is called upon to do. What the honourable mover has overlooked is that the problems and their solution are of Nature's making, and no one can alter them. We know the problems, and I submit that the schemes I have outlined are slowly but surely leading to their final solution. I hope, therefore, I have convinced the House that my department is working on a definite scheme. It is no doubt open to criticism on points of detail, but in the main it has public approval behind it. We had not neglected such important organizations as the district boards in the past. We recognize that their local knowledge and advice are of great assistance to us; and in future no efforts will be spared to make the fullest possible use of them. I am not convinced that they are in a position to take over the functions of the Agricultural department. I do not think that it is surprising that I have arrived at this conclusion. Honourable members know better than I do that the district boards are overwhelmed with executive work in the rural areas; and they have not the time to attend to technical details necessary for agricultural work. In 1923 Government asked all the district boards to form agricultural sub-committees and 23 responded. In June of that year I wrote to the Chairmen of the agricultural sub-committees of the boards. I asked them to prepare programmes of work and suggested a number of projects; eleven sent in programmes which were considered, and grants amounting to Rs. 12,000 were made to the eleven district boards to carry out their schemes.

[Mr. G. Clarke.]

A consideration of the first year's work of the agricultural sub-committees brought out several facts very clearly. It was found that the district boards were successful in carrying out two things, one was developing schemes for the improvement of rural cattle-breeding and the other was the establishment of farms for agricultural teaching in Vernacular schools. These two things, we have found by experience, the districts boards can carry out very effectively and successfully; but no success or very little success was attained in subjects which require constant, detailed and expert supervision such as the management of experimental and demonstration farms, demonstration on cultivators' fields and the production and distribution of seed. We are utilizing the district boards for the objects which I have mentioned and last year we gave them a grant of Rs. 14,000 mainly for this purpose.

*At this stage the Council adjourned for lunch.*

*After the recess the Deputy President took the Chair.*

**Khan Bahadur Hafiz Hidayat Husain :** I welcome this resolution of the Swarajist leader for more reasons than one. In the first place I welcome it because it will give us an opportunity of hearing to-day from the Hon'ble Ministers what concerted action, what joint measures, they are going to take for the amelioration of the condition of the masses living in rural areas. Secondly, Sir, it might forebode an era of collective responsibility for the Ministers, and thirdly, because an opportunity will be afforded us to hear what has been so far done in those subjects of nation-building departments that are covered by this resolution. His Excellency the Governor in his Darbar speech at Lucknow said that the population in rural areas, which was 90 per cent. of the entire population, was "the real master" of the province, and to-day we expect to hear what has been done for this master of the province, because I find that the conditions in which they live have not improved to any appreciable extent. For instance, I might state here that between 1900 and 1925 there has been a decrease of over 5 per cent. in the population of the rural areas. Then I find that the duration of life has also decreased to an appreciable extent. Coming, Sir, to the most important subjects —

**The Deputy President :** I may remind honourable members, particularly the new members, that it is an ancient custom of this House that when a member enters the House he should bow to the Chair and whenever a member passes between the Chair and another member he should walk bending. The idea underlying the bow to the Chair is to show respect to and ask permission of the Chair to enter the House. As a matter of fact it is customary in other Houses to bow when leaving the House, indicating thereby the member has taken leave to leave the House. As to bending, the idea is that the member who enters the House may not obstruct the view of the Chair. The other idea is that when a member walks bending he is understood not to have risen for speaking, whereas when the member stands erect he is supposed to have stood on the floor for speaking.

**Khan Bahadur Hafiz Hidayat Husain :** Now coming to the important subjects which are administered in the transferred departments and which are the subject-matter of this resolution, we come firstly to the subject of education. This department when transferred was

administered at its inception, by one of the most brilliant publicists of our provinces, and one must admit that a considerable measure of success had been achieved during his regime. Then probably because he ran the administration at a very high speed the horse began to pant, with the unfortunate result that deterioration set in. That was what could be expected. One must, however, admit that the form has now begun to show signs of life under our friend the Hon'ble Rai Rajeshwar Bali. I must, however, say at once that education in the sense in which it is imparted in the schools in rural areas leaves much to be desired. I do not believe in liberal education alone. That should not be the aim of the Education department. I believe in the adaptation of education to rural conditions in a manner that would fit our students for becoming better citizens and better bread-winners.

Coming to the Industries department, I am happy to find that much has been done and much is contemplated to be done. But a great deal yet remains to be done, particularly in the matter of development of cottage industries, which should occupy the close attention of the department. We have heard about the improvements that have been made in agriculture by the Director of Agriculture. But the outstanding question is, which of the schemes for the development of agriculture has reached the rough and practical hands of the agriculturist. It is all very well to be possessor of theories. But theories do not count for much. Unless and until these theories are translated into practice, they are not of much use. I want to be told what practical education has been given to the agriculturists in their farms and at their houses during all the time that the scheme of agricultural improvement has been before the Government. These two departments of agriculture and industries form the very corner-stone for our building up. I stated on a previous occasion that it was welcome news to hear that agriculture was going to improve, but I would be very sorry indeed if industries were to be neglected. I might again repeat what I said on that occasion, that too much attention to agriculture should not mean deflection of attention from industries. Industries and agriculture must go hand in hand. We cannot afford to improve the one at the cost of the other. Unless and until industries and agriculture advance side by side and in close co-operation with one another, there can be no real improvement in the land. We depend mostly on rainfall for our agriculture. Fitful rainfall alone is an answer to the development of industries on the same scope and extent as agriculture. Then, Sir, there is the question of sanitation and medical relief. Here the progress made is most inappreciable, and unless sufficient attention is paid by the Government to sanitation and medical relief and more money devoted to that purpose, I am afraid we will ever remain subject to the resulting consequences of the absence of these elements of civilized life.

Then, Sir, there is the larger question of communications. I regret to find that this subject is not being given that attention which it deserves. We find that in rural areas roads which used to be in good condition before are now being powdered to dust. It is no ground for neglecting these roads to say that district boards have no money now. How is it that the roads when they were administered by the collector as chairman of the district boards were in a better condition than now? I hope on this point the Hon'ble Minister will give us some satisfactory



[Khan Bahadur Hafiz Hidayat Husain.]

explanation, which I need hardly say will reassure those of us that live in the rural areas. To the complaints made to the Minister about these roads the uniform answer has been that they are under the district or the municipal board and that the matter is not the primary concern of the Local Government. May I inquire if the Government could divest itself of all responsibility in the matter?

These are just a few observations that I wish to make, and I hope that all the three Hon'ble Ministers may combine and put forward a scheme which may materially improve the condition of the people living in rural areas. That should be the first concern of the Government, and I hope we will never hear the last word about it.

**Sir Ivo Elliott:** I rise to state the position in regard to rural sanitation and local roads, which have no technical representative in this House.

As regards rural sanitation, we are at present following what I may call a programme of personnel rather than of works, that is to say, we want to have a special staff for this work in every district of the province. In September, 1925 there was a conference at Naini Tal, and the position with regard to public health was summarized there in a number of recommendations. These recommendations are being put into effect. Foremost among the recommendations was the extension of what is known as the public health scheme, with which I believe most members are familiar. In simple terms it consists in placing in a district officers who have special knowledge and training in public health problems. In its present form the public health scheme is for the appointment to a district of an officer who has the diploma of public health, of one or two assistant medical officers of health and also of a sanitary inspector in every tahsil. This programme of personnel or staff is the basis of advance in public health. It has already been adopted in seventeen districts. We hope to extend it this year to eight more districts. We cannot at once put public health officers in every district, because there is not only the limitation of money, but that of securing trained staff. As we have trained staff available, we shall extend the public health scheme to every district. In its first form, as I said, it will consist of only one medical officer of health, one or two assistant medical officers and a sanitary inspector in every tahsil. But there is no reason why in course of time the organization of public health in the districts should not be more intense and more officers should not be appointed to each district. That is, Sir, the general scheme.

The honourable member for Naini Tal has said that the local bodies cannot frame any scheme for themselves. Public health in a district is a matter for local development, and for that reason the district boards must see to matters for themselves as they are required to do under the Act. They will now have the assistance of trained specialist officers who will be able to show them both what has to be done and how they can do it. I think therefore that by the appointment of these officers the public health scheme will make it possible for the district boards themselves gradually to establish a programme of minor health works besides that there will be large works. We have, as some of the honourable members know, large

anti-malarial schemes. They are in an experimental stage and cannot be reduced at present to the terms of a programme. Then there are minor local works which could be organized to some extent—for instance, the water supply in villages; the organization and improvement of village wells. We are trying to make this more systematic through the grants administered by the Board of Public Health.

But I must revert to the main point. Our only opportunity of developing a programme of public health is by the extension of the public health scheme and by the addition of officers who really understand and appreciate the problem before them in the local area.

I now turn to the question of local roads and communications. Every one would like to have new roads, and it would be a most interesting exercise to make a programme of new communications. But I think that honourable members will agree with me that before we have new roads (I refer here only to the local roads) we must maintain the existing roads in a reasonable condition. The maintenance of roads depends very largely on a regular programme of work. It has been my experience that the local bodies have not realized that fact. Anyone who has, as often as I have, studied the details of the district board budgets will be struck by the extraordinary differences and variations in the allotments made by the boards for the ordinary repair of their roads. The figures of one year are quite different from those of another year. That is no evidence of a perfect, consistent and regular programme of maintenance. The provision for the maintenance of roads should be automatic. There is no indication that it is at present the case or that it is being realized by the local bodies. That, Sir, is a state of things which has to be corrected, and it will have to be corrected when we have obtained the necessary material. The collection of that material is a most elaborate task: it involves practically the obtaining of figures of the life history, past, present and future, of every mile of metalled roads—I might say of every square yard of metalled roads. We have no figures, and until we have them, we cannot know what the real cost will be of a regular and uniform programme of maintenance up to a provincial standard, which will make the roads reasonably fit for use. These figures are being collected now. They will have to be combined with a close examination of every figure of the district board budget in order to realize both capacity of the board to pay and the efforts that they are making now to improve the state of their roads. That is the position in regard to local metalled roads. It is a matter of time. But the figures are being collected on which to base a reasonable programme.

I now turn to the question of unmetalled roads. Thirteen years ago I gave to the district boards a programme for our unmetalled roads. The roads were to be selected which were of major importance. An allotment for their maintenance based on mileage was to be provided as a standard. That allotment was to be used not by shovelling earth here or there along the roads, that is Rs. 50 worth of earth on this mile and Rs. 50 on the next. That is of no use whatsoever. It was to be a programme for the improvement of the worst parts of those selected roads, such as minor bridging where water channels cross the roads. By this means the roads were to be slowly improved until the time when they should be metalled. That is the programme, and the standard allotments were fixed for the boards 13 years ago. I am afraid

[Sir Ivo Elliot.]

everything of that programme has disappeared, and in some cases the roads themselves, except the figures of allotment year by year. The same allotment figures are being made that were made in 1914. Here again we are working on a systematic basis by making a careful selection of those roads which are most needed for improvement.

In order to assist the boards in their many difficulties—those difficulties must be fully realized—the difficulties of dealing with labour—we hope to initiate an experiment in the use of machines of the American pattern for the improvement of unmetalled roads. The matter is of great importance, because, however much we may improve the present standard of metalled roads, there must remain an enormous residue of unmetalled roads. It is the unmetalled mileage which is the standard of rural communications. If all goes well, this experiment may perhaps be started this year and it ought to lead to an alleviation of the difficulties of the problem of maintaining unmetalled roads, and I hope to indicate to the boards on what lines they might possibly improve them.

**Pandit Bhagwat Narayan Bhargava :** I think this resolution for the rural development will be welcomed at least by the Hon'ble Ministers in charge of the transferred departments, if not by their subordinates who belong to the steel frame under their department. I do not mean to say that the Ministers in their personal capacity are not alive to the interests of the rural areas, in fact they are morally bound to look after their interests because they themselves hail from those areas, and one of the Ministers, when he was not on the ministerial bench (Nawab Muhammad Yusuf) had whole-heartedly supported the motion of our leader, Pandit Govind Ballabh Pant, when he had moved it in the last Council. I hope that with the same enthusiasm and with the same zeal he will see that this resolution is carried out letter by letter by the Government. My point is that the Government is not spending as much, or I should say even one-fourth of what it ought to have spent at least on education and medical relief and industries. The total expenditure on general education which the Government is incurring is about Rs. 3,04,00,000. Out of this 72 lakhs is being spent on primary education. But we know that even out of that, 2 lakhs the Government gives only about 51 lakhs for primary education. Even then we must bear in mind that in this 51 lakhs the expenditure incurred by the Government in the shape of grants-in-aid to municipal boards for compulsory education is also included. So it is not even 51 lakhs out of Rs. 3,04,00,000 which the Government is spending at present on primary education in rural areas. Then, Sir, in villages there is a great difficulty of buildings for schools. The district boards have not got sufficient funds to meet their necessities. There are schools in villages where the accommodation is hardly sufficient for 30 or 35 students and in a single room so many as 40 or 50 students are packed up, which tells upon their health and also upon the efficiency of their education.

Then, Sir, as regards medical relief, the Government have on many occasions said that they cannot extend the scheme to all the rural areas on account of want of funds. This plea of want of funds is raised on every occasion when the Government chooses to say so. This resolution wants funds to be provided for rural development in all those

departments mentioned in the resolution. We find from the Government reports that the number of dispensaries under district boards is decreasing. The Government say that the district boards are responsible for closing these dispensaries. I say that the district boards are not responsible, but that the responsibility lies with the Government, which does not give sufficient grants-in-aid for medical relief in rural areas. So far as my knowledge goes, I think the grants given by the Government to district boards for its dispensaries range from five to ten per cent. of the total expenditure which a board has to incur on medical institutions. Most of the amount which the Government spends on medical relief goes to cities and towns, to big dispensaries, and not to rural dispensaries. The other day when my honourable friend Raja Raghuraj Singh moved a resolution for the extension of female wards and dispensaries, the Hon'ble Minister was pleased to say that they could not take action in regard to rural areas because funds were not sufficient.

Then, Sir, there is one important matter as regards medical relief in rural areas which I wish to bring to the notice of the Hon'ble Minister. It has been mentioned in the Government report that there is a certain income from voluntary subscriptions to the district boards which they can realize. I wish to point out that this system of voluntary contribution has been stopped. It used to be collected by the tahsildar in each tahsil with cess rates, and it used to come to the funds of the district boards; but they have now stopped collecting those funds. This matter was referred by me to the Government some time ago, but the Government did not interfere. So my submission is that, although the income which the district boards used to get from a certain source has been stopped, the Government has not increased the grant for medical relief in rural areas and the Government is not prepared to extend the scheme. I know the Hon'ble Minister when replying will say that there is a scheme by which certain medical practitioners are asked to settle down in rural areas, the Government pay some grants and the rest is met from the funds of the district boards. I would point out that the amount which is given to such medical practitioners to settle down is so small that no qualified person would like to settle down on that amount. So far as I know, sub-assistant surgeons are given Rs. 300 per year and assistant surgeons Rs. 600. I do not think that even if the amount were to be doubled from the resources of the district boards these qualified men would like to settle down on such paltry sums. Then, Sir, I read in the report of the Industries department for 1924-25, when my friend the Hon'ble the Home Member was in charge of that department, the following :—

"As the monetary situation is brightening up and the difficulties which restricted Government's power of doing all that should be done are nearly over, it may be hoped that sufficient money will be forthcoming for making a large move forward in all forms of State aid."

I think that hope remains simply a pious hope. We have been given to-day the latest report about industries, and we do not find in it that any scheme has been carried out for the development of cottage industries in the villages. It may boast of having helped the cause of these industries in cities by means of factories. When last year Babu Mohan Lal Saksena moved his resolution on cottage industries,

[Pandit Bhagwat Narayan Bhargava.]

the Hon'ble Minister was pleased to say that we should wait for the Burn Committee report and that we should not prejudge what they were going to suggest in their report. I read that report from the first to the last page, but I could not find what they had done for cottage industries, except that there are six long lines dealing with cottage industries in the whole of the report. It is for this reason that it still remains a pious hope so far as industries are concerned in the rural areas.

Well, Sir, as regards public health, I find that the Board of Public Health has been giving grants for sanitation. The Board has given 7·21 lakhs for sanitation, of which only about a lakh of rupees is for rural sanitation, or even less than that amount. Generally it is thought that rural sanitation consists merely of covering wells so that people may get pure water to drink. I have not so far seen any scheme except the district health scheme referred to by the Secretary, Local Self-Government department, restricted to some districts, which is being worked in the rural areas. The learned Secretary was pleased to say that it is for district boards to frame their schemes for public health. I do not know for what purpose these high officers, expert in the matter, are paid fat salaries if they cannot suggest ways and means for the improvement of public health in rural areas. The resolution asks the Government to frame a scheme and the Government asks district boards to frame a scheme, and so on. They will be moving in a vicious circle.

**The Deputy President :** The honourable member has exceeded his time.

**Pandit Bhagwat Narayan Bhargava :** It might be suggested that the district boards have been given powers to impose taxation, but we know—the honourable mover of the resolution and other members of this House have already related—the miseries of the people and dwelt upon their poverty, extreme and deplorable poverty, in villages, so it is not possible that all district boards will agree to impose taxation for improvement, and even if it were imposed it would not bring in sufficient funds. I hope the Government will try to rise equal to the occasion and do its duty in providing funds for the vital needs of the rural areas as suggested in this comprehensive resolution.

**Rai Bahadur Babu Vikramajit Singh :** I rise to give my whole-hearted support to the resolution before the Council. I have to say only a few words as the resolution so far has met with absolutely no opposition and it has been welcomed by every member of this House. As we find that the Ministers are jointly responsible, this resolution will give them an opportunity to put their heads together and to devise a scheme which will alleviate the sufferings of the masses, specially of those residing in rural areas. So far as the primary education goes, the scheme is already cut and dried, and it is only a question of funds. We are glad to find that education is making progress in rural areas. It requires further progress, and we hope that at no distant date full effect will be given to the scheme. But so far as vocational education is concerned, I think it is in a deplorable condition. There are very few vocational schools, and it is absolutely necessary that some such schools should be set up, and

wherever they exist they should be strengthened and improved. In the same way with reference to cottage industries it is necessary that they should be revived and put on a much sounder basis. We find that a very small sum is placed at the disposal of the Board of Industries: it is only Rs. 25,000 a year. If I am wrong, my honourable friend the Director of Industries will correct me. This sum is absolutely insufficient to meet the needs of the whole province. It is required that a large sum of money should be placed at the disposal of the Board of Industries so that they may be able to establish new vocational schools, give grants to cottage industries and help the institutions which need some assistance. The sum at their disposal is too insignificant, and it cannot be supposed that with a small sum like that any substantial improvement could be effected.

We are glad to hear the statement which Sir Ivo Elliott made on the question of sanitation. He said that in seventeen districts medical officers of health have been appointed and in eight other districts such officers were going to be appointed as medical officers of health and sanitary inspectors are not available. If I may offer a suggestion, I would say that there are a large number of private medical practitioners who would be quite willing to undergo any training if it is to be given for preparing medical officers of health. I think this is not a case which requires postponement and in which one ought to take a number of years in order to appoint officers to improve sanitation. This is a thing which ought to be done at once, inasmuch as the needs of other districts are as important as of those in which officers have already been appointed in order to organize sanitation. Therefore my humble suggestion is that steps should be taken to train private medical practitioners who could very easily undergo that training in order to take up service as medical officers of health. There could be no dearth of sanitary inspectors, as we find that a large number of people are always applying to join the sanitary inspector's class, but they are not admitted on account of insufficient accommodation. Therefore it cannot be said that there are no candidates who wish to join the sanitary inspector's class or who would like to go up for training as medical officers of health.

So far as the communications go, there is no doubt that the roads under the district boards in many districts are exceedingly bad, and, as the Secretary to Government in this department has said, the district boards have got no fixed programmes and they allot sums which differ in various boards. It should of course be insisted on them that they should have a proper programme for making roads in the future. I think that unless Government takes particular interest in giving them special grants for roads and ear-marking those grants for the improvement and construction of roads, no improvement in the near future will be possible. We know of many roads which are absolutely impassable, and the district boards either for paucity of funds or for not being able to prepare a proper programme have not been able to attend to them. I submit that it should be the concern of the Government to see that the roads under the district boards are put in proper condition.

So far as medical relief goes, we know that there are a large number of villages in the mufassil where no medical relief of any kind is available. To have dispensaries in principal places like the *tahsils* is not sufficient. It is absolutely necessary that there should be small

[Rai Bahadur Babu Vikramajit Singh.]

Unani and Ayurvedic dispensaries in a large number of villages so that medical relief of some kind may be available in rural areas to the masses, and I would like to draw the attention of the Hon'ble Minister in charge of this department to the point that if Unani and Ayurvedic dispensaries are established they will be cheaper and still they will be as useful as the allopathic dispensaries which now exist in various tahsils.

With reference to distribution of grants, I think there ought to be some fixed system. Either it should be on the basis of population or it should be on the basis of income and expenditure of the various district boards. If this is not done and if grants are given in a haphazard fashion, I think all the district boards will not be dealt with impartially and equitably. Some will receive a larger share, others will receive a very small share of the grants; consequently in the allotment of grants, whether they be to district boards or to municipalities, some principle ought to be adopted as we find that the same principle does not govern the distribution of grants to the various district boards and municipalities: some are very favourably situated and get a much larger share of the Government grant. I submit that the grants ought to be proportionately given on some fixed basis so that there may be no complaint on that score.

I therefore hope that this resolution will be accepted and the principle underlying the resolution will be given effect to at an early date so that the condition of the masses in the various directions in which this resolution goes should improve.

**Colonel G. Tate:** I rise to describe very briefly to the honourable members the present and the proposed measures for the extension of medical relief in rural areas. We have at present two schemes: the first scheme is for encouraging the opening of new dispensaries in rural areas by the grant of subsidies, and the second is for the subsidizing of private practitioners in rural areas which has just been referred to by my honourable friend opposite. No one realizes more than I do the inadequacy of the medical relief in this province at the moment. Under the first scheme which I mentioned the Government have offered to local bodies and to private individuals half the initial and recurring cost for the establishment of new dispensaries in rural areas. As has been mentioned, the initial expenditure has been estimated at Rs. 21,000 and the recurring expenditure at Rs. 2,624. Under the second scheme the Government offer to private practitioners who are prepared to take up dispensaries in villages Rs. 600 per annum in the case of medical graduates and Rs. 400 per annum in the case of practitioners of the sub-assistant surgeon class. In addition to this, a member of either class is given Rs. 30 a month for medicines. These medicines he can obtain from the district boards on cash payment at the price which they paid for them. A still further addition to the scheme was that any practitioner employing and engaging a midwife would be granted an extra Rs. 100 per annum.

[Here the Hon'ble the President resumed the Chair.]

Generally the result of these two schemes is briefly this, that we have now got 48 private practitioners established—four of these are medical

graduates and the remainder belong to the sub-assistant surgeon class, L. M. P's. I think. That is not at all a bad record. On the other hand, the first scheme cannot be considered in any way satisfactory because only nine local bodies applied for the grant. The obvious inference is that local bodies were unwilling or in many cases unable to find the necessary amount of money, viz., Rs. 10,500 and Rs. 1,312, and the Government has had to consider the revision of this scheme and to design a dispensary of a much simpler nature, and plans have already been made out for such dispensaries, which are estimated to cost little more than one-third of the amount which was estimated originally. In the meantime we are collecting information as to the best places to establish the dispensaries, taking into regard the urgency in each case. Apart from this scheme of the rural medical relief, Government also propose to give grants to sadar hospitals in order to bring them up to a higher standard. It is very much needed in a number of cases. This Government has not forgotten the question of medical relief for women, and I may say we contemplate at least in every tahsil a hospital having a ward for women. We also want to have in each tahsil hospital a trained midwife or *dai* and if possible a female compounder; the idea is of course to have a *dai* attached to every dispensary, but unfortunately the province is unable to supply more than a very limited number of such trained women. I doubt if we shall have a sufficient staff for our tahsil dispensaries. That, Sir, is the brief outline of our present measures for medical relief in rural areas.

**Khan Bahadur Chaudhri Wajid Hasain :** There is a French proverb which says that one is likely to get tired of eating even partridges if one has too many of them. It was for that reason that I got a copy of my annual report circulated to members of the Council, so that I may take as little time as possible of the Council. I did not know then that the honourable member for Jhansi would charge me with too much brevity. I did not know that brevity is as great a vice in officials as it is believed to be in certain non-officials. Sir, the manner in which the department to which I have the honour to belong helps cottage industries is as follows. One of the ways is guaranteeing of orders for Government requirements. We now give 80 per cent. of our orders to firms which are Indian or situated in India, and 50 per cent. of our requirements are met by purchases in the province. I cannot say that we have been able to do a great deal for cottage industries, for the obvious reason that we require large quantities of articles and it is difficult for cottage industries to successfully compete with mass production in meeting requirements in bulk. But we lose no opportunity of helping them. We tried to introduce blankets which were the product of a cottage industry in the jails. I am sorry to say that experiment was not successful, but we have not given up the idea of helping cottage industries where it is possible to do so. Last year we supplied 50,000 yards of jharan cloth to the Government Press. We cannot say we have done very much, but we desire to help them as much as possible. You will be pleased to see in dispensaries gauze made by cottage industries as a substitute for the imported gauze which was formally used. In the same way we have substituted a number of other things made in the province and in a few cases made by cottage workers in villages. We are trying to help cottage industries by short term scholarships to men who are actually engaged in manufacture. We are giving these



[Khan Bahadur Chaudhri Wajid Husain.]

scholarships to enable them to proceed to foreign countries to acquire improved knowledge of processes. We gave four scholarships this year, and subject to the sanction of the Government and of the Council possibly we shall give an equal number next year. Then by giving grants we have been able to help cottage industries. We are also giving loans. Here I should like to refer to a system which was introduced two years ago with the object of enabling cottage industries to obtain loans on favourable terms. We have had to arrange that these loans be given only through co-operative societies. We cannot say that the experiment is a complete success. Defects and drawbacks have been brought to our notice, and we are considering the desirability of removing these defects and drawbacks. But the desire to help cottage industries in all possible ways is not wanting. We have at Lucknow an emporium where we stock things made by cottage workers. Lastly, Sir, I would refer to education. Well, Sir, three years ago we had twelve small schools in which instruction in cottage industries was given. During this period we have raised the number from twelve to ninety. And we are anxious to start as many more schools as are required. One point about the various organizations for the help of cottage industries which I should like to emphasize is that all schemes for rural development are framed by the territorial staff in consultation with municipal and district boards. The territorial staff has instructions to go and see as many non-official gentlemen interested in rural development as possible. They see members of municipal and district boards and other non-official organizations and frame these schemes. If they are schemes formed at the instance of local boards, they are first discussed by the boards concerned. Then they are vetted by the technical experts of the department and by the Board of Industries and are then sent to Government. I cannot remember that within the last three or four years the Board of Industries or myself or Government could have rejected more than three or four schemes for starting industrial schools in rural areas. The whole work of the department of Industries is carried on after due consultation with men of capacity and character. Almost every school under the department, whether it is a Government school or it is an aided school, has an advisory committee of some sort. I would suggest, Sir, that if we are not working on the right lines, honourable members ought to point out where we are making mistakes, where we are wanting in desire to develop rural industries. I have given the House a fair impression of the activities of the department, and I would now like my honourable and esteemed friend from Naini Tal to tell me whether in his opinion the department of Industries is a barren fig tree or whether it is a tree which has given some fruit of medicinal value to the body economic. It is quite possible he would say that the tree has not given a good crop. Well, may I respectfully ask him what would be the proper attitude for him to adopt. Would it be right on his part to say : "Cut it down. Why cumbereth it the ground?" Or would it be the right attitude for him to say : "Dig about it and dung it." If he suggests what Mr. Vikramajit Singh has done, I should have no objection. Mr. Vikramajit Singh, who is acquainted with the activities of this department, has very rightly suggested that a larger sum of money ought to be placed at the disposal of the Board of Industries. I may mention that the Board themselves made that suggestion, and the Government are considering that question. I cannot say more.

I cannot agree with the pessimistic view which my learned friend from Naini Tal has taken of the industrial development of this province. I think the awakening has begun. It must be remembered that whatever industrial development or rural development takes place will be the result of long and patient effort on the part of officials and non-officials; the officials first, because they are paid for it; but we also need the assistance, the guidance, the co-operation of men like the honourable mover himself. Sir, I had the honour of paying a visit to him when I went to Naini Tal last time and I was very pleased to see him surrounded by people who are trying to make a living from industries, by people who are keen on industrial development. If we have more men of his zeal for the industrial development of the province, if we have more Govind Ballabh Pant living in villages, we would not be slow in our progress. I am quite sure that he does not look for miracles. He quite realizes, I believe, that progress must be slow; all he wants is greater activity. Infuse greater activity, and point out where there are mistakes and if we need more money try to get us more money. That is the way to proceed about the business. I am afraid, therefore, that I cannot agree with the proposal of the honourable member to set aside a large sum of money and to entrust it to a committee. We have got a sufficient number of committees, so far at least as my department is concerned. All that we want is better co-operation and better assistance from non-official workers in the villages. The position of my department, like that of every development department, is that of a look-out post on the ship of the province sailing on the sea of economic destiny. After all, the object of the look-out posts is only to discern ports and fair havens and to avoid shoals and rocks. It is quite possible that those at the helm may fail to see certain fair havens and may fail to see certain rocks. But what is the remedy? Would you rather change the sail and rudder and thereby delay the voyage of the ship, or would you rather go on and change, if necessary, the men whom you find to be in the wrong? If you are not satisfied with the work which my department is carrying on, tell us where we are wrong, and if we do not listen, turn us out. Turn out your Director of Industries if you are not satisfied, but so long as he is there, why set up another agency?

**Mr. A. H. Mackenzie:** I am the bore of all bores: my subject is education. What is worse I must begin with statistics, but I shall limit what I have to say under that head to a few outstanding figures. At present the expenditure on boys' primary education in rural areas is approximately 80 lakhs of rupees a year. Towards that sum Government contribute 60 lakhs, that is to say, three-fourths of the cost and boards themselves contribute 20 lakhs. During the last five years the attendance of boys in primary schools in rural areas has increased by about 1,50,000 and there are now approximately eight lakhs of boys attending primary schools in rural areas. There is of course another side to the picture. Much remains to be done. With small expenditure we could probably increase the total enrolment in boys' primary schools to about ten lakhs, because many of our schools are not full. But then there would still remain about fifteen lakhs of boys whom we would have to enrol in order to have universal primary education for boys in rural areas. The total recurring cost, excluding the cost of buildings and the increase in the cost of middle schools, would be approximately 1½ crore of rupees a year. But the practical question for us to consider is what

[Mr. A. H. Mackenzie.]

do we propose to do in the immediate future. The Government have already gone into this matter. Last year they put an officer on special duty, Mr. Harrop, who is now officiating as Deputy Director of Public Instruction. They put him on special duty to draw up a programme for the expansion and improvement of education in rural areas. His report is in my hands, and in accordance with the promise I gave to the House that we would in future advertise our activities, this report will shortly be distributed to the members of the House. Mr. Harrop's proposals have been worked out in great detail. He proposes to aim within the next five years at an increase of approximately four lakhs of boys in rural primary schools. The additional recurring cost would be approximately forty lakhs of rupees at the end of five years. That excludes the cost of buildings. If we include the cost of buildings for only a quarter of the number of boys enrolled the total non-recurring cost will be approximately 90 lakhs. Government have not yet had time to examine these proposals, but at any rate they give us the date which will enable us at once to proceed with a programme of expansion provided we are given the funds. This year we have three lakhs available for buildings. We are distributing that sum to district boards. We also have 34 lakhs available for recurring expenditure. Further, we have in hand a programme for the improvement of the facilities for the training of teachers. We are this year distributing to the boards one lakh of rupees for the improvement of their training schools, and next year, if funds are made available, we hope to give the boards further assistance to improve their training institutions. We hope also to build two additional normal schools.

But, of course, the problem is not entirely a financial one. At present in our educational system there is very great waste. There is in nearly every primary school diminishing enrolment from the infant class to the top class. Of every hundred boys who enter our primary schools, only fifty-eight reach the end of the infant stage, only forty-four pass class I, only thirty-one class II, only twenty-two class III, and only sixteen complete the full primary course. Even the small benefit that could be secured from this enrolment is lost by irregular attendance. Many reasons have been given both for diminishing enrolment and irregular attendance, but we believe that the only effective remedy is the introduction of compulsion in rural areas. Accordingly, the Government last year passed the District Boards Primary Education Act, and the Government are prepared, if funds are available and are sanctioned by this Council, to give to the boards which apply that Act two-thirds of the extra cost. The rules made under the Act have already been published. It remains now for the boards to take advantage of the Act, and we hope that many of them will do so, notwithstanding the state of their funds, at least to the extent that the Punjab boards have done, namely, by applying compulsion to the boys who are already at school to ensure that they complete the full primary course.

But even when we secure regular attendance up to the end of the primary stage there is a danger of lapse into illiteracy. One of the reasons for this danger is that there is little literature available in rural areas for the use of boys after they have left school. The reading habit, like any other habit, is lost unless it is put to use. The Government have therefore seriously taken up the question of providing

libraries for rural areas. Last year Rs. 10,000 were given for this purpose. This year we are distributing Rs. 48,000. The Hon'ble Minister has already established the Hindustani Academy, one of whose main functions will be the production of literature of a kind that is suitable for village libraries. The Text-Book Committee has given the department great assistance in this matter and has drawn up lists of books in Urdu and Hindi, which we have circulated to all the boards.

Now, a word or two about special classes. For the so-called depressed classes we provide boards with funds. We spend 1½ lakh on special schools for the depressed classes. Of these, we have 784 attended by over 25,000 children. But of course the hope for the future in regard to the depressed classes lies in their taking greater advantage of the ordinary boards' schools, and I am glad to be able to report that the prejudice against the admission of children of the depressed classes to the ordinary boards' schools is gradually breaking down. Also we provide funds which enable boards to spend a minimum of about four lakhs of rupees a year on special education for Muhammadans. We have in Islamiya schools 25,000 children and in makhtabs about 70,000. These institutions, especially makhtabs, are not efficient and I believe that for the improvement of Muhammadan education in rural areas hope lies in raising the standard of efficiency of the maktab and also in making our ordinary boards' schools acceptable to Muhammadans. I believe that it would be to the interest of the community if they took greater advantage of ordinary boards' schools.

There is one other class, so depressed and neglected, that no single member has referred to it. I doubt very much whether honourable members can even guess the class to which I refer. I refer of course to the education of girls. We men are selfish and we give very little thought to the means of extending and improving the education of girls. The honourable member for Naini Tal is the last person I would charge with being indifferent to this cause, but I think he has been unmindful. I think, further, that if the Hon'ble the President were to ask those members of this House to stand up who could with their hands on their hearts say that they had given any time or thought to the extension of the education of girls, the number of those who would respond would be very small. There would be only a few such as Shaikh Abdullah Sahib and Pandit Iqbal Narayan Gurtu. One finds the same apathy in the district boards themselves. The Government have given the boards an opportunity of expanding the education of girls. They offered to bear half of the cost of meeting the pay of teachers, of giving grants-in-aid to aided schools, and of new buildings and equipment, but the boards have not responded. Next to the difficulty of securing teachers, the greatest obstacle to the progress of girls' education is the indifference of the boards themselves.

The honourable member for Hardoi has referred to the need for vocational education. That is under the charge of my colleague, the Director of Industries. There are few questions of education about which it is safe to dogmatize. This at least is one of them, that in the primary school there is no place for vocational education. There is nothing in reason or in the experience of this or any other country to support the view that vocational education would succeed in primary schools.

[Mr. A. H. Mackenzie.]

The same is true of the middle vernacular school, although in that school there is scope for teaching of a kind which develops practical aptitudes and perhaps predisposes boys to agricultural or industrial pursuits. The Government, recognizing that, have introduced manual training in 15 vernacular middle schools this year. Next year, they hope to introduce the subject in 15 more vernacular middle schools. Government train the teachers at the Training College, Lucknow. They provide the whole cost of the buildings and the whole cost of equipment. Government have also taken in hand a similar scheme in regard to agricultural education. We have now opened in ten middle vernacular schools special classes in agriculture under teachers trained at the Agricultural School, Bulandshahr. We propose next year to extend that scheme to ten more schools. In this connexion I acknowledge with gratitude the assistance that the Education department has obtained from the department of Agriculture. I hope that, with the Director of Agriculture's advice and help, we shall be able to extend this scheme of agriculture in middle vernacular schools.

From this brief review, the House will see that the Education department have their schemes for expansion and improvement ready. But schemes and even funds are not enough. The boards must realize that they are the junior partners in this great enterprise; but too few members of the boards bring to their work a spirit of social service. There are exceptions amongst the members, including members of this House and the honourable member for Naini Tal himself. But there are too many boards where the whole educational administration is dying from the top because of the indifference shown by the members of the boards themselves to real educational needs. I do not, however, wish to end on a despondent note. Public spirit is a plant of slow growth and the boards are young. It is a good omen that at the beginning of the life of this Council we have had a resolution which urges upon us the extension of education in rural areas. I believe that, if we are given enough funds and if we secure the co-operation—the zealous co-operation—of the boards, we shall by the end of the lifetime of this Council be able to look back with satisfaction and pride on the accomplishment of a bold programme for the expansion of primary education in rural areas.

**Thakur Hukum Singh :—**

श्रीमान् जी,

मैं आपको धन्यवाद देता हूँ कि आपने मुझको इस आवश्यक प्रस्ताव पर भाषण करने का अवसर प्रदान किया साथ ही इसके मैं अपने माननीय सदस्य पं० गोबिन्द बल्लभ पन्त जी को भी हृदय से धन्यवाद देता हूँ कि उन्होंने एक ऐसे आवश्यक प्रस्ताव को जिससे कि मैं खास तौर से सम्बन्ध रखता हूँ आपकी सामने रक्खा। मैं उन्हें ऐसे बहुमूल्य प्रस्ताव के पेश करने के लिये एक बार मुझ हृदय से धन्यवाद देता हूँ। यह प्रस्ताव इस लिये मुझसे ज्यादा सम्बन्धित है कि मैं एक ऐसे ग्राम का निवासी हूँ जिसमें ५०० से अधिक मनुष्य नहीं रहते यानी जिसमें सिर्फ ५०० आदमी रहते हैं। इस लिये मैं दर बसल ऐसा सख्त

ग्रामीण या देहाती हूँ कि जो सच्चे मानों में देहाती कहा जा सकता हूँ और इस लिये भी कि मैं देहातियों का नुमाइन्दा हूँ। इस वास्ते इस रिजोल्यूशन के मुताल्लिक मुझ को ज्यादा जरूरी है कि मैं अपनी आवाज़ आपके सामने पहुंचाऊँ। अगरचे मुझको उस ज़बान में जिसमें कि आप लोग ठीक तरह से समझ सकते हैं बोलने में जरूर दिक्कत होती है लेकिन चूंकि मेरे बहुत से बुजुर्गों ने और बहुत से दास्तों ने, पिछली मरतबा जब मैंने भाषण दिया उस वक्त मुझ से यह शिकायत की और कहा कि मुझ को अपने ख्यालात उस ज़बान में जाहिर करने चाहियें जिससे कि ग्राम तौर से सब मेम्बर साहबान मेरे भाषण के अभिप्राय या मनशा को ठीक तरह से समझ सकें। इस लिये मैं आज यह कोशिश करूंगा कि आपके सामने अपने ख्यालात उसी ज़बान में अर्ज करूँ जिसमें कि आप साहबान मेरे ख्यालात को समझ सकें। आज जो मज़मून आपके सामने उपस्थित है वह हम देहाती आदमियों के बिलकुल मुताल्लिक है। हम लोग जो देहात में रहते हैं उनको अपनी आवाज़ कौंसिल और गवर्नमेन्ट तक पहुंचाने में टिकित रहती है। मुमकिन है कि और भी चन्द देहाती आदमी ऐसे खुश किस्मत हों कि जो फिलहाल देहातों में रहते हों और इस कौंसिल में मौजूद हों कम से कम मुझ को एक देहाती आदमी होने की हैसियत से इस दफा पहिली मरतबा यह फ़ख्र हासिल हुआ है कि मैं इस कौंसिल में हाज़िर हुआ हूँ। बहर हाल मज़मून के मुताल्लिक मैं यह अर्ज करूंगा कि जैसा कि अभी तक गवर्नमेन्ट की साइड (Side) से जाहिर किया गया है उससे यह मालूम पड़ता है कि गवर्नमेन्ट बहुत कुछ कर रही है लेकिन दर असल क्या हो रहा है इसका ठीक तरह से अंदाज़ा हमी लोग जो देहात में रहते हैं वही कर सकते हैं। मैं कह सकता हूँ कि मुझको बहैसियत डिस्ट्रिक्ट बोर्ड मथुरा के सोनियर वाइस चेयरमैन होने के और बहैसियत एक देहाती के यह मालूम है कि गवर्नमेन्ट की तरफ से क्या हो रहा है? दर असल डिस्ट्रिक्ट बोर्ड देहात को तरक्की के कामों में हर वक्त तंग और मुसीबत में मुब्तला रहते हैं। मेरा ख्याल है कि जब एक डिस्ट्रिक्ट बोर्ड की यह हालत है तो हम जरूर इस पैमाने से अंदाज़ करेंगे कि सूबे के अन्दर तमाम डिस्ट्रिक्ट बोर्डों की यही हालत होगी और मैं जोर के साथ यह कह सकूंगा अपने डिस्ट्रिक्ट बोर्ड के तजुर्बे से और देहात का वाशिन्दा होने के तजुर्बे से कि देहात की हालत निहायत ख़राब, निहायत गन्दा और निहायत तकलीफ़ ज़दा है और देहाती लोग बड़ी सख्त तकलीफ़ में मुब्तला हैं और उनकी तकलीफ़ को दूर करने के लिये आप साहबान ने जो कोशिश की है उसके लिये हमारे दिल में जो खुशी है उसको हम ठीक तरह से जाहिर नहीं कर सकते। लेकिन यह खुशी उसी वक्त तक खुशी रह सकती है जब कि हमारी मोअज़िज़ और मेहरबान गवर्नमेन्ट हमारी तकलीफ़ों को ठीक तरह से सुनकर और हमारी पीठ पर हाथ रख कर हमारी हिम्मत बढ़ावै हमको तबाह होने से बचावै और हमारी तरक्की के लिये पूरी मदद करे हम चाहते हैं कि हमारी आवाज़ ठीक तरह से सुनी जाय और हमारी तकलीफ़ों को ठीक तौर से दूर किया जाय। और प्रस्ताव को स्वीकृत करके हमारी उन्नति का उद्योग किया जाय।

[Thakur Hukum Singh.]

श्रीमान जी मैं यह अर्ज करूंगा कि बार २ गवर्नमेन्ट की तरफ से यह जाहिर किया जाता है कि रुपये की तंगी है रुपया नहीं है इस लिये हम लोग जहां तक ज्यादा से ज्यादा कर सकते हैं उतना कर रहे हैं। लेकिन मैं यह अर्ज करूंगा कि गवर्नमेन्ट के खजाने में जिस क़ूटर रुपया भरा जाता है उसकी सब से बड़ी तादाद वही है जो हम ग़रीब किसान लोग अपनी गाढ़ी कमाई से और बड़ी २ तकलीफों से पैदा करके अपनी कमाई का सब से बड़ा हिस्सा या यों कहना चाहिये कि करीब २ नब्बे फी सदी रुपया जो हम कमाते हैं वह कैसी २ तकलीफों से गवर्नमेन्ट के खजाने में भर देते हैं। हमारे हाथ से जो रुपया आता है और जो रुपया गवर्नमेन्ट के खजाने में निहायत ज़ोर से भरता है उसी रुपये से हमारी मेहरबान गवर्नमेन्ट तमाम कामों को ठीक तौर से चला रही है तो फिर क्या गवर्नमेन्ट का यह फ़र्ज नहीं है कि सब से पहले हमारे रुपये से हमारी तकलीफों को दूर करे और उनके दूर करने के बाद दूसरे काम करे। मैं निहायत चढ़ब से यह अर्ज करूंगा कि हम देहातियों की तकलीफ इतनी बढ़ रही है कि जिसका बयान करना मुशकिल है। जैसा कि अभी हमारे डाइरेक्टर साहब industries इन्डस्ट्रीज़ ने फ़रमाया है कि हम ने बहुत से स्कूल दस्तकारी के खोले हैं लेकिन पब्लिक अपना फ़र्ज अदा नहीं करती और हमारे डाइरेक्टर साहब education department एजुकेशन डिपार्टमेन्ट ने फ़रमाया है कि हम लो शिक्षा के लिये काफी रुपया दे रहे हैं और कोई वजह नहीं है सिवाय इसके कि लोग तबज़्जह नहीं करते और डिस्ट्रिक्ट बोर्डों की तरफ से इस तरफ काम नहीं किया जा रहा है। लेकिन मैं मथुरा के डिस्ट्रिक्ट बोर्ड की तरफ से अर्ज करता हूँ कि हमारे डिस्ट्रिक्ट बोर्ड ने कई लड़कियों के स्कूल खोलने के लिये तजवीज़ किया लेकिन उस के पास रुपया न था और वह इस तरह girl school गर्ल स्कूल न कायम कर सका। मथुरा का डिस्ट्रिक्ट बोर्ड महकमा तालीम में उस मिक्दार से अधिक खर्च करता है जो गवर्नमेन्ट से मुक़र्रर है और इसी वजह से इसका इन्तज़ाम न कर सका। प्राइमरी एजुकेशन primary education के मुताबिक़ अपने मथुरा डिस्ट्रिक्ट बोर्ड के बारे में यह अर्ज करूंगा कि इसकी यह हालत है कि आज शायद दो तीन बरस हो गये जब से नये स्कूल खोलने का बिचार कर रहा है लेकिन चूँकि जितना रुपया गवर्नमेन्ट की तरफ से मंज़ूर है वह उस मिक्दार से कम है जो बोर्ड अपनी तरफ से खर्च करता है इस वजह से वह स्कूल नहीं खोल सकता न वह लड़कियों की तालीम के वास्ते रुपया खर्च कर सकता है और न industries इन्डस्ट्रीज़ के लिये कुछ काम कर सकता है एक मरतबा यह तजवीज़ की गई थी कि लुहार और बड़ई का काम सिखाने के लिये मदरसों में कुछ काररवाई जारी की जाय लेकिन रुपये की कमी की वजह से वह भी न हो सकी। weaving बुनवाई के स्कूल के मुताबिक़ भी रुपये की कमी की वजह से दिक्कतें दूर पेश हैं। मुशकिल से एक स्कूल जारी किया है। ग़रज़ यह है कि डिस्ट्रिक्ट बोर्डों की इस किस की हालत बनी हुई है कि उनके पास किसी काम के वास्ते रुपया नहीं है। सबकी

की यह हालत है जैसा कि हमारे बहुत से मुग्रजिज्ज मेम्बरान अपनी तकरीर में फरमा चुके हैं कि निहायत खराब हालत है। हम देहाती लोग अपने घरों से कच्ची सड़कों पर जाते हैं उनकी दस दस बरस से मरम्मत नहीं हुई। एक गांव से दूसरे गांव को जाने के वास्ते रास्ता नहीं है। हम जब एक गांव से दूसरे गांव को जाते हैं जो दूर असल १ मील दूर है लेकिन जब वहां जाना चाहते हैं तो दो मील का चक्कर लगाकर वहां पहुंचते हैं बरसात में रास्तों में पानी भर जाता है और एक गांव से दूसरे गांव को जाना मुश्किल हो जाता है। ऐसी २ तकलीफें हम लोगों के लिये बनी रहती हैं मैंने थोड़ी सी अर्ज की है अगर तफसील के साथ कहूं तो मालूम नहीं प्रेसीडेंट साहिब टाइम देंगे या न देंगे लेकिन मैं यह दरखास्त करूंगा कि मैं एक ग्रामीण आदमी हूं, देहाती हूं इस वास्ते कुछ रिमायत हमारे साथ जरूर करेंगे। मैं यह अर्ज करूंगा कि प्राइमरी स्कूल जो दिहात में मौजूद हैं उन की यह हालत है कि एक दीवार के ऊपर एक छप्पर पड़ा है जिसमें से बरसात में पानी टपका करता है और तालिब-इल्म उसी छुचाते हुए छप्पर में बैठते हैं जब ज्यादा बारिश होती है तो स्कूल की छुट्टी कर दी जाती है और तालीम बन्द हो जाती है यह हालत स्कूलों की है इससे तालीम का अंदाजा लगाया जा सकता है। मास्टरों की हालत यह है कि एक २ मुदरिस के पास मुखलिफ़ दर्जों के ५०—५० students स्टूडेंट्स हैं जिन का वह ठोक तौर से control नहीं कर सकता। डिस्ट्रिक्ट बोर्ड में रिपोर्ट आती है कि हमारे पास लड़के ज्यादा हैं और मुदरिस बढ़ाए जायें लेकिन चूंकि डिस्ट्रिक्ट बोर्ड के पास फ़न्ड नहीं है इस वास्ते डिस्ट्रिक्ट बोर्ड मजबूर हो जाता है टीचर नहीं बढ़ा सकता। इस तरह से बराबर यह हालत चली जाती है न तो मकानात मौजूद हैं और न उस्ताद मौजूद है कि जिससे देहात में ठीक तरह पर primary education का इन्तजाम हो सके। अभी compulsory education का सवाल बहुत दूर है। यह तो टूटी फूटी हालत तालीम की हुई। इस के बाद agriculture के मुताल्लिक़ में अर्ज करता हूं कि बेचारे देहाती लोग जिस तरह से अपने बाप दादाओं के वक्त से खेती करते चले आते हैं उसी तरह अब भी हैं कोई उन्नति नहीं कर सकते क्योंकि उनको मालूमात कुछ नहीं है न उन्हें कोई इल्म है वह agriculture के मुताल्लिक़ किताबों को नहीं देख और समझ सकते कोई लेकचरार या डिमोन्स्ट्रेटर agriculture के तरीक़े से सिखाने के लिये उनके पास नहीं पहुंचता ताकि वह कोई मुफ़ीद बात सीख सकें उसी पुराने ढर्रे पर चले जाते हैं। जैसी खाद अपने बाप दादाओं के वक्त से डालते रहे हैं डाले जाते हैं। निहायत backward हैं निहायत बुरी अवस्था में हैं। इस लिये उनको शिक्षित बनाने के लिये उनको agriculture की शिक्षा देने के लिये इस तरह की reform की तजवीज़ें हों कि उनको अपनी तालीम के साथ २ खेती की बातें भी बताई जा सकें। इसकी कितनी जरूरत है मैं और ज्यादा अर्ज न करूंगा.....

The Hon'ble the President: आपके लिये मुनासिब मालूम होता है कि अब आप अपना ब्याख्यान ख़तम कर दें ॥



**Thakur Hukum Singh :** चगरा देा मिनट के बास्ते चाप इजाज़त दे तो कुछ और चर्ज़ करूं ।

**The Honble the President :** फिर बजट पर मौका मिलेगा ॥

**Khan Bahadur Maulvi Fasih-ud-din :** In order to avoid the use of a stereotyped phrase, I submit that no one who has got a heart beating in his breast can help giving his most cordial support to this omnibus resolution of the leader of the Swarajist party. We know that a happy and contented peasantry is a country's pride and there is absolutely no reason why we should not strain every nerve in order to make India's peasantry happy and contented. We have been told often and often by the Government that the zamindars should give such and such a concession to their tenants, but today we have to see what the Government would give for the peasantry of these provinces. Today is a day of test of the sincerity and broadmindedness of the Government. It is very easy to be hospitable, to be generous, at the expense of others, but it is a different question when one has to pay from one's pocket for that generosity. It goes without saying that the condition of the masses in the rural areas is as bad as one can possibly imagine. They are not only living from hand to mouth but they are sunk in the depth of poverty and degradation. I need not dilate upon this subject, but I would just pass a few remarks in the light of my own experience on the working of the various departments so far as rural areas are concerned, and I will be very brief.

As regards the department of Education, the official orator of the Council, the Director of Education, has taken us through the various branches of the activities of the department, but I have not heard a single word from him as to the figures quoted by the honourable member from Dehra Dun about the literacy of these provinces, and the causes which go to give such a low place to these provinces in the list of the provinces of India as regards literacy. It is said that Government contributes about 40 lakhs, while the district boards contribute about 20 lakhs, towards the promulgation of primary education in rural areas, and he has hurled a rebuke at the district boards for being rather indifferent, but he forgets that most of the district boards are financially so many broken reeds and it is impossible to expect from them to do much in this direction. The other day the Government put up a Bill before us about compulsory education in rural areas, and we passed that Bill. I said on that occasion that the scheme of compulsory primary education should not be the primary concern of district boards, but that it should be the primary concern of the Government itself. The honourable the Director of Public Instruction has expressed a hope that the scheme of compulsory primary education might succeed in these provinces just as it has done in the Punjab; but I put it to him—why has the scheme of compulsory education as regards municipal areas not succeeded hitherto in these provinces? I believe the Act as regards municipal areas was passed about six years ago. The chief reason, as I have already said, is that these boards are financially in a very low condition and are unable to carry on a struggle against illiteracy. I think that in spite of what the Director has said, we cannot forget the fact that we have advanced very little during these ten years and the decimal 8 per cent. figure of our advance per decade is certainly very unsatisfactory, I think it is

high time that the department should give up some of its old theories about buildings, about space, and so on. In the much maligned old days, education used to be given anywhere, in the cloisters of mosques, in temples, and even under the kindly shade of *nim* or *pipal* trees. It is education and not buildings that we want. The question is really very difficult and it is an eye-sore to every one of us.

I would like to say only a word about the department of Public Health. I happen to be a member of the Board of Public Health. I have noted that the Board spends the bulk of its funds over big schemes of water-works and drainage in big towns. I do admit that the Board has spent something over putting down pump-wells in various parts of these provinces, but these wells are useful only in areas where the water level is not very deep. The Board has spent a little over other kinds of wells, but a vigorous policy of benefiting the rural areas is needed, and it is high time that a change in the present policy is brought about.

I am very glad that the department of Public Health has introduced the new scheme of appointing health officers and inspectors and we have to wait and see how this scheme works.

As regards the department of Industries, I remember that when Mr. Chintamani was the Minister he was chiefly responsible for organizing the department in its present form. He appointed a large number of superintendents in order to prepare a systematic scheme, for an industrial survey of the various districts of these provinces. The reports of these superintendents are now adorning the shelves of the Secretariat library and also the libraries of the district offices, and my own information is that the post of these superintendents has been abolished. I am sure that the present Director of Industries has done his best to promote cottage industries, but he is much handicapped by the ridiculous amount of Rs. 25,000 that has been placed at his disposal. He has himself admitted that he has not got enough money to do more work in this direction and we have to see what amount is now placed at his disposal in this particular connexion. I think if the Government were to add one zero to this figure, even that amount would not be quite sufficient. I do not want to say more.

**The Hon'ble Rai Rajeshwar Bali:** I would not indulge in general platitudes or any dissertation on the needs of rural areas. But, coming as I do from and representing as I do rural areas, I will preface my remarks by saying that in enthusiasm for doing something for the rural areas I think I am not behind any other honourable member of this House. I welcome this resolution for more reasons than one. In the first place, it has given us an opportunity for giving some details of the activities of the various departments under our charge, and, secondly, it has given me an opportunity of referring to some of the more important questions of policy which are involved in all our efforts which we make for the betterment of conditions in rural areas. As the non-official members of this House have already referred to a number of defects which they wish to be removed and as the official members have referred to a number of activities of the different departments, I do not propose to go into details of the working of the various departments. I would confine myself to saying that, so far as our departments are

[The Hon'ble Rai Rajeshwar Bali.]

concerned, there is no dearth of schemes. In every one of the departments—Agriculture, Education, Industries, Medical, Sanitation—there are any number of schemes, ready and well-considered schemes too, and as we gain experience, we are preparing other schemes for the future, but the crux of the problem does not lie in taking any concerted action for the preparation of schemes, but in other factors which alone can make those schemes successful. In the first place, there is the question of funds. Honourable members of this House are aware of the financial limitations. They have an opportunity of examining the budget every year. So far we have not heard of any complaint at least in the speeches that have been delivered till now that the funds that are voted by the Council are not spent to the best advantage. So far as funds are available, we do try to spend them in the best manner possible, and if we are to expand our activities, it all depends on what funds are available. There is, however, another point in regard to the funds which has to be taken into consideration. The activities to which this resolution refers are mainly activities which have necessarily to be carried out through the agency of the local bodies. We know that the local bodies have got certain powers of taxation. So far none of them has seriously attempted to exercise those powers. Therefore the House has to consider whether for all future expansion the Local Government is to bear the entire cost or to what extent the burden is to be shared by the local bodies. I think this question deserves the serious consideration, not only of this House but of people outside also, for on the willingness with which the local bodies are prepared to bear their share of responsibility to a large extent the programmes of expansion of these various activities depend.

The second point which I wish to make out has been referred to in some detail by my friends the Director of Public Instruction and the Director of Industries, namely, that to carry out many of these schemes it is not only the officials who can be held responsible, but a lot of work has to be done by the local bodies also. It is not only a question of funds, but it is also a question of arousing public interest in these questions in rural areas. There are a number of things in the Public Health department, in the Education department, and in other departments also which can be achieved without much expenditure of money. The public conscience has to be aroused to the need of public health, to the need of more education, to the need of developing agriculture before our schemes can succeed. And unless there is more of initiative, more of cohesion and determination of purpose among the members of the local bodies, we cannot go far towards achieving the objects which we all have in view. I do not say this in a spirit of criticism of the local bodies, I do not say this in any hostile or unfriendly or even unsympathetic spirit, but this is a matter to which I think serious attention must be paid if the task of nation-building is to be accelerated. There is only a limit up to which the Government can proceed on its own initiative and after that we need a body of men in rural areas who should be able to devote time in educating public opinion towards these objects.

I therefore think that, so far as the merits of the resolution are concerned, there can be no two opinions on it. We all want expansion and development of these various objects, and I can assure the honourable

members of this House that if there is not more speedy progress it is not due to any lack of schemes on our part. It is wholly and solely due to two factors—the lack of funds and the lack of men who are able to do their share in carrying these schemes to success. I do not think that any useful purpose would be immediately served by the appointment of the committee that has been suggested in the amendment. I hope that the honourable members of this House and the people outside will pay more attention to, will discuss more, the two points which I have just raised, for on them I think mostly depends the success of the schemes which we have got already ready or which we shall prepare in future.

**Mr. C. Y. Chintamani:** I congratulate my honourable friend the member for Naini Tal on having adroitly drawn up a resolution which has roped in nearly all the heads of departments, nearly all the Secretaries to Government, and four out of five of the honourable members of the Government itself. But there is another factor upon which he deserves congratulations even more and it is that after about four hours after he had moved the resolution there was at last a Government pronouncement upon it. I sat here wondering whether the whole of the afternoon was to be spent in listening to the recitation of summaries of departmental administration reports, of course with a little rhetoric thrown in at the beginning and at the end by way of embellishment or whether we could know definitely what the Government's attitude was towards the resolution. I think we now know it. According to the Hon'ble Minister, it is not necessary for a fresh scheme to be prepared, as there has been no lack of progress for want of schemes. I thought, as the heads of departments and the Secretary for Local Self-Government went on speaking, that adequate attention was not paid to the central feature of the first part of the resolution, which, according to my understanding, was the preparation of a connected comprehensive scheme of rural development. I do not think so well informed a publicist as the honourable mover was wholly unaware of the efforts which were being made in the various departments and of the measure of success which had attended those efforts. There could be no Government in the world where some effort would not be made and where some measure of success would not attend the effort. The meaning of this resolution according to my understanding of it is that the honourable mover and his supporters were not satisfied with the measure of progress and the want of a coherent connected scheme of rural development. But, as the Hon'ble Minister has just said that there is no lack of schemes, I am to infer that he is opposed not only to the amendment which asks for the setting up of a committee but also to the resolution itself. I do not mean that he is opposed to the spirit of the resolution; he has made it quite evident that he is not opposed, in fact nobody could be opposed.

The second part of the resolution asked that the next step should be taken, after the preparation of a scheme, by the allotment of a definite amount annually for its effectuation during the next three years. On this point I think I do no injustice to the other side when I say that there has been no reply. "If funds are available," "as funds may be available," these are phrases which are perfectly well known; but what the honourable mover would wish to know is, what is the extent to which you will make them available for the execution

[Mr. C. Y. Chintamani.]

in the villages of schemes such as my resolution recommends? What will be the approximate cost during the next three years of such a scheme as I have in mind? and to what extent will your Government be able and willing to allot funds for the purpose year by year during the next three years? I should have thought that this was the question which called for an authoritative reply from that side—a reply not only from the Hon'ble Ministers but also from the Hon'ble the Finance Member, because who does not know that the best laid plans of Ministers may sadly miscarry without support from that quarter. The Hon'ble the Finance Member may be justified in retorting that it was not for him at this stage to commit himself to any financial proposition. He might have thought that he would be justified in saying "I have nothing before me; these subjects relate to the departments in charge of the Hon'ble Ministers. Unless I know whether they have accepted this resolution, whether they are putting forward schemes costing a certain amount of money and how much money, how am I to know, whether I can say 'yes' or whether I shall be bound to say 'no'?" If this was in his mind I cannot blame him. But, at all events, it is evident that the Hon'ble Ministers alone could not commit themselves on the second part of this proposition without—I would not like to use the phrase—"joint deliberation." I do not know whether there was a joint deliberation on this resolution because it could neither be accepted nor rejected unless the Ministers got some assurance from the Hon'ble the Finance Member at least in general terms. The Hon'ble Minister made the pertinent inquiry to what extent the Government should contribute the funds, to what extent district boards would find them? Was it in the mind of the Minister that this proposition attempted to impose upon the Government the exclusive responsibility for financing any scheme of rural development? If it was in his mind, I think it was not fair to the honourable mover, for the terms of the last part of the resolution distinctly recommend that the Government should "grant therefrom substantial additional aid to the district boards." From which it can be presumed that the mover was aware and did intend that a substantial part of the cost should be found by the local bodies themselves, and that their resources should be supplemented by substantial aid from the provincial revenues. These are the three propositions. Are the Government ready to prepare or to cause to be prepared a collected, comprehensive scheme of rural development in the various departments enumerated in this resolution? Secondly, are they prepared to commit themselves to the allotment of definite funds during the next three years, year by year, towards the effectuation of such a scheme? Thirdly, are they prepared to render substantial aid to district boards to enable them to execute it? These are the three plain questions. I have attempted to summarize, so far as I understood, the Hon'ble Minister's point of view on the first part of the resolution. I fear I have not been able to make out from his observations anything definite with regard to the second and third parts, and we are utterly in the dark as to what attitude the Finance department may have towards any such proposals. The amendment I think has been definitely opposed. I make no great complaint about that. My own idea is that there have been too many

committees—committees to shelve and committees to solve. Of the latter there have been too few and of the former we have had quite a sickening number. Even where the deliberate intention was that the committee set up should be a committee to solve, their reports have in many cases come to nothing. I burnt my fingers over some of these committees, and I can say that the hopes which were aroused when the appointment of a committee was announced, were in the majority of cases doomed to disappointment. But I have a suggestion to make. The Government in 1921 set up a body called the Development Board which was given a very propitious start by an inaugural address by the late Governor, Sir Marcourt Butler. The public announcement relating at that body stated that it would include no non-official members, but the heads of departments and such other officials as had to do with subjects of development—forests, irrigation, industries, agriculture, co-operative credit, and so on, the chairman being a Member of the Board of Revenue. My knowledge of these matters is rather antiquated. I have not heard of late whether that Development Board still functions or is in a state of suspended animation, or has been buried without ceremony. In case it is in existence—the Hon'ble Minister for Industries can enlighten us upon the point—the subject-matter of the resolution to which the Council has given the whole afternoon is pre eminently one that may be referred to it. And I do not believe there will be any insuperable difficulty in asking that body to take the assistance of selected non-officials—whether they be members of this Council or not is immaterial—in promulgating such a scheme as the mover has in mind and with the assistance of officers from the Finance department, whose help can be availed of by the board, figures may be worked out of the money that it will be possible to spend, or may profitably be spent during the next three years upon the subject. And then the Hon'ble Minister for Local Self-Government may find out how much the district boards will be able to find and all the Ministers may put their combined pressure on the Finance department in trying to get as much as possible from the provincial revenues. If some such thing is attempted I rather think that the movers of both the resolution and of the amendment will feel that they have got something substantial from Government. But as the position is, after the various speeches from that side, to which we have listened, I think we shall have to go back home with the impression that we have spent one afternoon in ventriloquial exercises leading nowhere.

**The Hon'ble Sir Sam O'Donnell:** We all know that when an opposition becomes a Government there is a change in the point of view. The ardent reformers who clamoured for the inauguration of the millenium become cautious statesmen. Similarly, if the honourable mover shared our responsibilities he would appreciate more fully the limitations under which we have to work. Our revenues increase very slowly. The figures for the last four years, for example, show very little expansion. Our sources of taxation are narrowly restricted and if they were exploited to the full—the Council has made it clear on previous occasions that they are opposed to any additional taxation—even if they were so exploited they would not yield any very large addition to our revenues. Accordingly, for new expenditure we have been and still are dependent on the remissions of our contribution, and that of course introduces an uncertain element into our calculations. Remissions do not depend

[The Hon'ble Sir Sam O'Donnell.]

upon us, but upon the financial position of the Government of India. Therefore, Sir, it is necessary for us, for a Government situated as we are, to proceed cautiously. That does not mean that there is no policy, that there are no programmes. There are programmes well thought out, sound programmes in every department with which we have been concerned today. I myself confess that I do not understand the point upon which so much stress was laid of the necessity for an interconnected programme. The departments, it is true, do not work and exist in isolation from each other. They are branches of a single administration. The activities of one department have effects on the others and therefore no doubt to a varying extent co-ordination is necessary. I know nothing that suggests that such co-ordination is lacking. Again, the policy of proceeding cautiously does not mean that there can be no new items of recurring expenditure. Every budget has contained items of new recurring expenditure. It does mean, however, that we cannot embark on vast schemes of expansion, trusting that somehow or other funds will be available, that the Lord will provide, or that if not, we can, as the honourable mover suggests, cheerfully borrow whenever there is a deficiency. That is not a course any prudent Government would adopt, and I am certain that is not a course the honourable mover himself would adopt if he were in our position. Within, however, the limitations under which we have to work, we have done everything we can in recent years to provide funds for these departments.

The figures have been given year after year; they show that in every budget the lion's share of new expenditure has gone to the Transferred departments. I shall not anticipate the coming budget; that budget will be before honourable members in a few weeks and they will then be able to judge whether we have or have not made a fair distribution of our resources. But I do claim that in all the previous budgets by far the greater share of new expenditure had gone to the Transferred departments.

There is one further point. The honourable member for Budaun said that the district boards were broken reeds because they had no money. The honourable mover also said that the district boards could not tackle the problems with which they were concerned because they had no money. Well, Sir, the district boards not only have their own resources, but also they have the power to increase their resources. There was an Act passed in 1922 with the express purpose, I believe, of enabling the boards to increase their resources. But I am not aware that a single board has so far done so. I notice that during the course of the debate, unless I missed the remarks of some honourable members, I noticed that during the course of the debate no one suggested that the boards should do so. I suggest that the boards ought to increase their resources. I suggest that it is undesirable to say anything which, however indirectly, might encourage the boards to think that it is not up to them to make use of the powers which have been given to them. And I further suggest that unless and until the boards have increased their resources the boards at any rate are not entitled to complain of the inadequacy of the grants made by the Government.

**Pandit Govind Ballabh Pant:** The various Secretaries to Government, I hope, will thank me for once for having given them a legitimate opportunity for making a display, by means of glorified narratives, of

the activities of the various departments. I think we were never under the delusion that every department had not been trying its best to keep up appearances or doing something to justify its existence. I never questioned that the departments had been doing something. They would not have been here, and perhaps even they would have felt some little difficulty in issuing their Annual Administration Reports with fine photos, as is it the fashion now, if they had not got something to say; and I find the reports as interesting as a little boy will find the teaching of the alphabet by means of the modern Montessori method. So there is much in the reports to enlighten us, at least to interest us, to give us some zest.

Coming to the resolution itself, I fear no direct answer has been given to any one of the many questions that I put. I am not concerned with what the departments have done, except in so far as it is necessary to find encouragement or in-piration or not to lose hope. What I am really concerned with is the future. I am not here to look back; I want to look ahead, and for that none of the various statements made by me has so far been questioned by anybody. The facts that I gave are practically admitted. I think. That we are in the lowest rung of the ladder of literacy in the Indian chart is not denied. That we are in a state of abject poverty is not disputed. That taking the economic and vital factors into account our position is most unenviable and unedifying is not disputed. Taking all these factors into account and also bearing in mind the further fact that this is our condition after 150 years of British rule, are we to be satisfied with the rate of the progress that we have been making? If we have got all the schemes that the collective wisdom of trained experts could produce, and if there is that able and judicious guidance which the heads of the Government should possess, why is it that our condition is so very deplorable? That is the simple question that I put to the occupants of the opposite benches. If schemes are there, if funds have been properly utilized, and if, as has been suggested by some of those who are responsible for the running of some of those departments they have never felt any paucity or want of funds, then I put it to them why has there not been adequate or reasonable progress? Even during the last five years it will have to be admitted that much more has been done in the neighbouring province of the Punjab in the matter of primary education, co-operative societies and cottage industries than has been done in these provinces. Why is it so? I was not concerned with the reports and achievements for the last three years. It was perhaps assumed, and perhaps not very justly, that we are not at all acquainted with the glorious achievements of the various departments, for even they should concede that if anything tangible has been achieved by them it could not have escaped our notice and it should not be necessary to make a display of it on the floor of this House.

Now, of all the speeches that were delivered here the most amusing speech seems to me to be that of the Director of Agriculture. From what he said I conclude that the Agricultural Commission has been wasting all its time in making any inquiry at all in order to frame a scheme for agricultural development in this country. He seems to hold that the last word on the subject has been said, he has got all that can possibly be had and that no further word is needed from any quarter. Well, I congratulate him for all the knowledge that he possesses, and in so far as he has indicated the futility of any further endeavour in that direction, I can,



[Pandit Govind Ballabh Pant,]

only tell him that that opinion is not shared by other members. He says that they have started some more institutions and that they have been doing so many things in so many directions. But the simple question that I want to put to him is this. He says he spent 26 lakhs last year and has got that amount now. Can he tell me to what extent the agricultural problem of the vast magnitude which has to be faced in these provinces has been affected by the expenditure of 26 lakhs? Can he tell me that the amount he said has been distributed by way of seeds in these provinces is not even an infinitesimal portion of the seeds that are needed for a single harvest in one division? Can he tell me what is the output of the agricultural instruction and education which is being imparted through the institutions that are maintained by the Government? Does he mean that the college at Cawnpore and the newly-started school at Bulandshahr are sufficient to meet the requirements of 40 millions of people? Does he not know that most of the people in these provinces do not yet know that there is anything by the name of fertilisers or artificial manures or improved implements of agriculture? I wish to inquire whether during the year 1926 any single demonstration farm has been opened. Honourable members will remember that a question was put in the House today whether any experimental farm has been opened or whether any experimental farm has been converted into a demonstration farm. The answer was that no experimental farm has been converted into a demonstration farm, which means that not a single farm maintained by the Government has during the year proved more profitable than in previous years, or even has been able to pay its way. So far as my own division of Kumaun goes, I know that since the reforms constitution the activity of the Agriculture department has been manifested there in two directions. The jam factory at Chaubatia and the demonstration experimental or miscellaneous farm (I do not know which it was) at Jeolikote, which used to remind us of the existence of this department, have been effaced from the surface of our division. So that is the achievement of the Agriculture department in my part of the province. Still, if the Director of Agriculture tells us that nothing more is needed, that all that could be done has been done and all that is now wanted is expert guidance—not money mind you, but trained staff—I wish to ask him to make a comparison and to find out if even a thousandth part of the agricultural needs of the province has been met by the expenditure of 26 lakhs over agriculture. If such is not the case, it is time for him to revise his opinion and to frame a project for the next three years to come. He should in the first instance put down how many farms he is going to open in the various parts of the country in order to demonstrate to the stupid villager the benefits of the improved system of agriculture; and further to consider if it is not possible to find out some useful channel for the activities of students who might be trained by the establishment of another school besides the one at Bulandshahr. I think it will be possible for him to imagine in a charitable and generous moment that if another school for agricultural training were started, its output too might do some useful work. I have no mind to develop the argument any further. I hope he will be pleased to consider the possibility even now of doing some thing more by means of a programme of syste-

matic and progressive expansion for the improvement of agricultural methods and also by inculcating such methods in our rural population. I will not give figures as to our backwardness in this respect, for they can be seen anywhere.

Turning to the Department of Education, the modest head of the modest department had the pleasure of informing us what vigorous methods have been adopted by his department for the expansion of education. Well, I do not deny that in the Education department an earnest effort has been made to tackle the problem. Here again I find no answer to the questions put by me. The Director of Public Instruction says that a scheme has been prepared, and it makes provision for a large expenditure, with the result that he expects that in five years about four lakhs of students would be put in the primary schools. I want to know definitely if the Government intend to make provision for the admission of this number of students during the next four years. If the Government is determined to finance such a scheme, I want to put a question to it. What is the number of schools that it means to open next year? I want to put it definitely to the Government—What measures it is going to adopt in order to induce students to continue their studies beyond the preparatory or the lower primary stage? The Hon'ble Minister thinks that it is not only a question of money, but also of men. I entirely agree, but both of them have to be found by those who are by Providence or by accident placed at the head of constructive opinion of the province. It is for them to enthuse people for the constructive activity. They are here not only as heads of the bureaucratic departments, but they are here as leaders of public opinion and have taken the responsibility of running the departments in an efficient manner. While, therefore, the Hon'ble the Finance Member may find shelter under that argument, it is not open to the Hon'ble Minister to say that while funds are available men are not. I humbly submit that it is his business to find men and to create enthusiasm in the non-official public. The Hon'ble Ministers are here as representatives of the public. They are not sun-dried bureaucrats, though in this country it is not very difficult for men to contract certain habits by close association with those who possess this strong qualification and who are members of a steel frame. But apart from that, I think they cannot take shelter under that statement. If men are not available and if district boards are not functioning properly, what have they done so far in order to enthuse people and to put the district boards in a vigorous frame of mind? If they say that they have failed in doing so, then perhaps that will not be a laudable commentary on their own vigour of mind and their capacity of influencing others. I submit that they will kindly bear this fact in mind.

The next item related to the department of Local Self-Government which is under the Secretary, Sir Ivo Elliott. He has told us that he had a scheme of communications ready some eleven years ago, which was put in the pigeon-holes of the Secretariat and which has evaporated therefrom. I really feel that the present condition of roads and of bridges is simply deplorable. I am aware of a road in my own district in the construction of which something like a lakh of rupees were spent only eight or nine years ago, and today it is not possible for even a human biped to pass over it. All that money is being wasted. The district board has perhaps made certain suggestions to the Government and has been sending reminders after reminders, but no reply has so

[Pandit Govind Ballabh Pant.]

far been vouchsafed. So again the question comes in the same light, and I put it. You say communications have to be set right, and I put it to the Government whether they are going to have a definite and elaborate scheme showing that they will put in order at least 1,000 miles of metalled road, 10,000 miles of unmetalled road, and 20,000 miles of some other sort of road. I am simply giving an illustration without knowing the financial commitments of it. I want a definite time-table for all these things. I know that it may be necessary to make certain modifications in the light of experience. All the same, there must be a definite and determined resolution to give effect to the scheme in its fullest details. It is the primary duty of Government to make provision in these directions. If it cannot find money, whether by loan or out of its recurring income, then it must admit its financial bankruptcy, which in a case of this sort means moral bankruptcy. When a Government cannot even cater for the barest requirements of the people whose responsibility it has taken upon itself voluntarily, then it has no moral right to sit on the hedge and to run about in a dignified manner. It has to carry the burden on its back. If it fails to discharge its elementary obligation, then the Government which exists only for the preservation of law and order by means of ordinances or repressive law is entitled to nothing but opposition, which, if necessary, can be even of a violent nature. The only justification that a Government can have for its existence at any place is the discharge of all its duties which conduce to the real welfare and progress of the people that are committed to its charge. Just imagine what Phillipines have done in a few years and how Japan has achieved eminence in a few years. And you cannot get over the charge that this Government have failed in the discharge of its elementary duties. My friend the Director of Industries has reminded us of the purchases that he has been making for the Government out of cottage industries. I want to know whether he has started a single cottage industry in a single village of these provinces. There are 1,04,000 villages in the United Provinces; in how many have you cottage industries?

I put another question—What proportion, whether infinitesimal or fractional, of the total imports is bought from local manufacturers in these provinces and for what portion of these manufactures his department can take the credit? Can he say that even one rupee worth of goods out of Rs. 1,000 that are imported from outside, whether manufactured outside these provinces or outside India, are manufactured in these provinces, because of the activities of this department. This is after all the crux of the problem. It is high time for us to have a definite project even for industrial development. Can his department tell us what sort of cottage industry would be congenial to a particular locality?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Yes.

**Pandit Govind Ballabh Pant :** If that is the answer I go a step further and ask what methods have been adopted in order to encourage the improvement of these cottage industries in these particular localities? Have experts been trained to work in that direction? Have these industries actually been revived, and have they

been adding to the industrial output of the province? If not, the answer does not help us. We want practical and solid results, and if they have not yet been achieved, then the mere fact that our archives are full of schemes does not help us. I admit that the Government is as scheming as any Government could be. We do not deny their resourcefulness, but what we feel and what we realize from our experience is that results that have been attained do not in any way justify the course on which the Government has relied so far. I assure the honourable members of this House that I never meant to move this resolution in a spirit of carping criticism, and that I did not mean to cast any censure on the various departments. I simply wanted to place before the House what I and most of us have been feeling most strongly. We are holding such an unenviable position in the ladder of human hierarchy today that it is time for us to reconsider our plans, to take stock of the position and to see what we can do. I do not deny that the local body has a certain responsibility in the matter; but what can the local body do? You cannot get oil out of stone. When you have squeezed a thing out and there is no substance left in it, no amount of rubbing will produce any oil. The point is this, whether the villager, that emaciated skeleton who has nothing but bone and skin to connect its bones together, can be further squeezed, and can you get anything more out of him, when there is nothing left in him? Then why put off the performance of that which is absolutely necessary in order to enable him to give you something, at least for this object and motive, if not for any other, that you may get something more out of him hereafter. It is the best investment that a State can make even for purposes of taxation. Of course the Government which may be afraid of their existence after a few years may not feel personally interested in the matter, but so far as the State is concerned, they cannot make any better investment than in the improvement and progress of the human source of all that is good and of all that is worth having. We are told that district boards can add to their resources. Some questions were put on January 24, and I have got the answers. The answer was that eight boards had been trying to impose new taxation, and it was also said there that some had imposed taxes, and that the actual yield of taxation in 1925-26 was:—Moradabad Rs. 9,820 and Lucknow Rs. 6,323. Let me assume that other boards were either induced or coerced into imposing these additional taxes. But will that make any great difference? They may give you all that they can get, but still by far the largest portion has to be contributed by the State, and it must be admitted that in advanced countries the State has admitted its responsibility in this matter, that it is their primary duty. So even if Moradabad had not been able to collect Rs. 9,820 which it has got by taxation, would that be a pretext for withholding from it what is absolutely necessary for its progress? I say these few thousands cannot make any material difference. Ask the boards to make additions to their resources somehow or other and they will do it. Moradabad might have raised this Rs. 10,000 by means of subscription, if not by means of taxation; but the point is whether you are prepared to admit your responsibility for meeting these charges primarily and saying that the boards might pay what they can, but whether they do so or not, we owe this solemn responsibility to the people of these provinces

[Pandit Govind Ballabh Pant.]

and we will discharge it to the best of our power, to the best of our capacity, honestly and conscientiously.

*The amendment of Rai Bahadur Lala Mathura Prasad Mehrotra was, by leave of the Council, withdrawn.*

*The original resolution was put and adopted.*

**The Hon'ble the President :—**The result of the election for (I) the Excise Advisory Board is as follows :—

Babu Uma Shankar,

Maulvi Saiyid Habib-ullah,

Mr. St. George Jackson,

Hafiz Muhammad Ibrahim,

Rai Bahadur Chaudhri Jagannath Prasad, and

Khan Bahadur Shaikh Saiyid Muhammad ;

(II) for the Board of Communications :—

Rai Bahadur Lala Mathura Prasad Mehrotra,

Khan Bahadur Shah Badre Alam, and

Thakur Manak Singh.

*The Council was then adjourned to the following day.*

## APPENDIX A.

(See page 278 *supra*.)

*Statement showing the amount spent by Government on the construction of (a) police buildings, (b) school buildings and (c) court and office buildings in 1924-25 and 1925-26.*

| Particulars.                      | Amount spent in — |           | Remarks. |
|-----------------------------------|-------------------|-----------|----------|
|                                   | 1924-25.          | 1925-26.  |          |
|                                   | Rs                | Rs.       |          |
| (a) Police buildings .. ..        | 2,62,573          | 11,15,906 |          |
| (b) School buildings .. ..        | 1,35,314          | 2,14,557  |          |
| (c) Court and office buildings—   |                   |           |          |
| (i) General administration ..     | 1,74,678          | 51,057    |          |
| (ii) Administration of justice .. | 96,419            | 49,869    |          |

**APPENDIX B.***(See page 274 supra)*

*Rules referred to in the reply to starred question No. 54 for  
January 28, 1927.*

**EDUCATION DEPARTMENT.****MISCELLANEOUS.****No. 116/XV—1158-1926.***January 19, 1927.*

In continuation of Government notification No. 589/XV—1158-1926, dated August 5, 1926, it is hereby notified that the Local Government have, in exercise of the powers conferred by section 17 of the United Provinces District Boards Primary Education Act (Act I of 1926), and with a view to the enforcement of that Act, made the following rules :—

*Rules under section 17, United Provinces District Boards Primary  
Education Act (Act I of 1926).*

1. For the purpose of section 2(4) of the Act, the "prescribed authority" shall be the Director of Public Instruction, United Provinces : and for the purpose of section 8(7) the "prescribed authority" shall be the deputy inspector of schools of the district.

2. The instruction in reading, writing, and arithmetic, referred to in section 2(4) of the Act, shall be that prescribed either for the infant class and classes I, II, III and IV in the curriculum for vernacular schools or for the infant class and classes I to VII in the secular curriculum for makhtabs issued by the department of Public Instruction or in the secular curriculum for pathshalas.

3. (1) District boards which wish to introduce compulsory primary education under section 3 of the Act, in the whole of the board's area or in any part thereof, shall first take a census of children in the area in which it is proposed to introduce compulsory primary education in order to ascertain the number of children to whom a notification under section 3 of the Act will be applicable on the date from which such notification is proposed to take effect, and shall then, in consultation with the divisional inspector of schools in the case of boys and with the circle inspectress of girls' schools in the case of girls, work out its proposals in the annexed form "A," making, in the case of girls, the necessary modifications in the form.

(2) When a board has a scheme ready and the scheme is approved by the department of Public Instruction, the board shall, if it is prepared to introduce compulsory primary education on the financial terms offered by Government, pass a special resolution as required by section 4 of the Act and address the application to the Secretary to Government in the Education department through the District Officer, the Commissioner, and the Director of Public Instruction for the issue by Government of a notification under section 3 of the Act.

(3) The application shall be accompanied by--

- (a) the completed forms " A " and " B ";
- (b) a copy of the proposed notification.

NOTE.—Three copies of the papers mentioned above should be sent.

(4) A period of not less than two months shall elapse between the date of the notification and the date from which primary education will be made compulsory under the notification; provided that the latter date shall in no case be earlier than the date mentioned in the application (form B, item 7).

4. Adequate provision for the purpose of section 4 (b) of the Act shall comprise—

- (a) the provision of recognized primary schools, whether established or aided by the board, to accommodate all children who shall be liable to attend such schools on or after the date of the issue of the notification under section 3 of the Act;
- (b) the provision in such schools for primary education in and through either Hindi or Urdu or both;
- (c) the provision of teachers at such schools in such number, on such conditions and of such qualifications as the Local Government may from time to time deem suitable;
- (d) the provision of such class room accommodation at such schools as, having regard to the requisites of health, the Local Government may deem suitable;
- (e) the payment of salaries to teachers at rates prescribed in the District Board Educational Rules made under Act X of 1922;
- (f) the provision for each school of furniture and appliances, including text-books for teachers and maps. The deputy inspector of schools shall decide what furniture and teaching appliances are necessary;
- (g) the appointment of the deputy inspector of schools of the district to be the "chief attendance officer" for the whole district, the sub deputy inspector of schools to be the "attendance officer" for the areas for which he is responsible, and, to aid the deputy inspector and sub-deputy inspectors of schools in their work as "attendance officers," such paid "assistant attendance officers" as may be necessary. It shall be the duty of the "chief attendance officers" aided by the "attendance officers" and "assistant attendance officers" to advise and to give effect to the decision of the school committee or committees constituted under section 6 (1) of the Act in any matter falling within the business of that committee or committees, e.g., to organize a census of school children liable to attend school, to prepare and publish a register of such children as prescribed in rule 5 below, maintain it in good order, revise it every year and supply copies of it to the institutions concerned; to see that parents of such children do not fail to cause them to attend a recognized primary school; to note parents failing to do so and to ascertain by personal inquiry their reasons therefor; to report to the committee or committees weekly such cases of default; and



on authorization by a school committee to make complaints to a magistrate on its behalf against defaulting parents and employers of children under sections 10 and 11 of the Act respectively. In cases where the duties of the "assistant attendance officer" are not sufficiently heavy to justify the entertainment of a whole-time officer, provision for an allowance to be given to a head teacher of a recognized school for doing the work should be made with the previous approval of the Local Government.

5. Two months before the date from which a notification under section 3 of the Act is proposed to take effect the board shall prepare and publish for general information in the annexed form "C" a register in Urdu and Hindi of children to whom such notification will be applicable and supply a copy thereof to the headmaster or headmistress of each recognized primary school in the area in which it is proposed to introduce compulsory primary education. The registers shall be revised and republished in February in each succeeding year, and copies shall be supplied to the institutions abovenamed. A copy of the register shall also be exhibited for public use during office hours each day at the district board's office and at some place, within the area in which compulsory primary education is to be introduced, convenient to the public. No change shall be made in it except on the authority of and under the initials of such person as may be authorized by the school committee in this behalf, and it shall be open to inspection by the divisional inspector of schools and his assistant inspector and the circle inspectress of schools, who shall have the right to scrutinize it and make such inquiries into its reliability as may, from time to time, be considered necessary or expedient.

6. Government are prepared, provided that sufficient funds are available and are voted by the Legislative Council, to give district boards, which agree to apply the Act to any rural area within the district, assistance to the extent of two-thirds of the extra cost involved, including the cost, if any, of remitting fees, on condition that the board is able and willing to provide the remaining one-third in addition to its present prescribed expenditure on education.

By order,

JAGDISH PRASAD,

*Secretary to Government, United Provinces.*



| Existing institution in the area.   |         | Existing teachers.   |         | Boys between the ages of 6 and 11 within the area. |  |  |                                   | Existing budget provision for schools within the area.   |                           | Annual cost of emission of fees. |  |   | Additional teachers to be employed by the board or in aided schools. |        |    |
|---|---------|--|---------|--|--|--|-----------------------------------|--|---------------------------|----------------------------------|--|---|--|--------|----|
| Description.  | Number. | Where employed.  | Number. | Number attending school by examination.            | Additional number that can be taught by examination. | Number for whom extra provision has been made. | Total number (columns 4+5+6+7+8). | On account of—   | Annual cost to the Board. | Aided schools.                   | Description.   | Number of teachers to be added to existing schools. | Number of teachers to be employed in new schools.                    | Total. |    |
| (i) Primary ordinary schools maintained by the board.   | 2       | 4  | 6       | 7  | 8  | 9  | 10                                | 11   | 12                        | 13                               | 14   | 15  | 16   | 17     | 18 |
| (ii) Preparatory ordinary schools maintained by the board.  |         | In schools maintained by the board :—<br>Headmasters.<br>Assistants. |         |  |  |  |                                   | 1. Pay of teachers in schools maintained by the board :—<br>(a) Headmasters.<br>(b) Assistants.                            |                           |                                  | Ordinary Primary schools :—<br>Headmasters.<br>Assistants.                     |   |  |        |    |
| (iii) Primary Islamic schools maintained by the board.  |         | In aided schools (other than Maktaba and Pathshala.)                 |         |  |  |  |                                   | 2. Servants.<br>3. Provident Fund contribution.<br>4. Contingencies<br>5. Scholarships<br>6. Repairs or rent of buildings. |                           |                                  | Idaritia schools :—<br>Headmasters.<br>Assistants.                             |   |  |        |    |
| (iv) Preparatory Islamic schools maintained by the board.   |         | In Maktaba.  |         |  |  |  |                                   | Schools maintained by the board.   |                           |                                  | Aided schools :—<br>(a) Maktaba.<br>(b) Pathshala.<br>(c) Other aided schools. |   |  |        |    |
| (v) Aided schools :—<br>(a) Maktaba.<br>(b) Pathshala.<br>(c) Other aided schools.<br>(d) Other recognised schools. |         | In Pathshala.<br>In other recognised schools.                        |         |  |  |  |                                   | 7. Grants-in-aid to—<br>(a) Maktaba.<br>(b) Pathshala.<br>(c) Other aided schools.   |                           |                                  | Other recognised schools.  |   |  |        |    |
|   |         |  |         |  |  |  |                                   | 8. Other charges (to be specified).  |                           |                                  |  |   |  |        |    |

## 327

[illegible]



## COMPULSORY EDUCATION, FORM B.

## APPLICATIONS FORM

1. Name of district board .. ..
2. Name of area or areas to which the proposed notification is to apply.. ..
3. Date of the board's meeting in which the special resolution required under section 4 of the Act has been passed .. ..
4. Number of members constituting the board .. ..
5. Number of members present at the meeting .. ..
6. Number of votes recorded for and against the special resolution passed under section 4 of the Act— .. ..
- (a) For .. ..
- (b) Against .. ..
7. Earliest date from which the board is prepared to introduce compulsory primary education in the areas noted in 2 above .. ..
8. Copy of the special resolution .. ..

Dated 192 .

Chairman, District Board.

## COMPULSORY EDUCATION, FORM C.

1. Serial number .. ..
2. Name of child .. ..
3. Sex .. ..
4. Name of parent or guardian .. ..
5. Address of parent or guardian .. ..
6. Caste or religion .. ..
7. Occupation .. ..
8. Name of rural area in which the child ordinarily resides .. ..
9. Date of birth .. ..
10. Date of attaining six years of age .. ..
11. Date of completing eleven years of age .. ..
12. Whether exempted or not .. ..
13. Name of school already being attended (if any) .. ..
14. If not at school, name of nearest school .. ..
15. Remarks .. ..

*N.B.*—In the case of Muslim girls the date of attaining five years of age should be given in column 10 and the date of completing nine years of age should be given in column 11.

## APPENDIX C.

(See page 275 *supra*.)

*Papers referred to in the reply to starred question No. 15 for  
January 28, 1927.*

## EDUCATION DEPARTMENT.

No. 469-G./XV—207-1926.

*Dated Allahabad, June 9, 1926.*

## PRESS COMMUNIQUE.

Foreign scholarships have been awarded by the Government of the United Provinces to the following candidates:—

- |  |  |
|--|--|
| 1. Mrs. K. Taimni, B.A., 4, Church Road, Allahabad.  | Scholarship of £300 per annum in Western methods of education. In addition to the scholarship, a bonus of £45 per annum will be given if the study is carried on at the University of Oxford or Cambridge, and £22½ per annum, if elsewhere. |
| 2. Mr. Muhammad Ibadur Rahman Khan B.A., L.T., Assistant Master, Government High School, Pilibhit.   | } Scholarship of £250 per annum (plus £40 on account of bonus) for the study of Western methods of education.  |
| 3. Mr. Gokul Chand, M.A., LL.B., Lecturer in English, Agra College, Agra.                            |  |
| 4. Mr. Lakshmi Prasad Gupta, M.Sc., Assistant Master, Government Intermediate College, Allahabad.    |  |
| 5. Mr. Lakshmi Chandra Jain, M.A., LL.B., Lecturer in Economics, University of Allahabad, Allahabad. | } Scholarship of £250 per annum (plus £40 on account of bonus) for research in Banking and Statistics.   |
| 6. Mr. S. N. Chakravarti, M.Sc., of the Lucknow University, Lucknow.                                 | } Scholarship of £250 per annum (plus £40 on account of bonus) for research in Chemistry.  |

(Sd.) JAGDISH PRASAD,  
Secretary to Government,  
United Provinces.

*Statement (referred to in starred Council question No. 55 for January 28, 1927) showing details of persons to whom scholarships have been awarded by the Industries department since April 1, 1926.*

| Name.              | Educational qualifications   | Value of the scholarship. | Purpose of the scholarship.                     | Period of the scholarship. | Members of the selection committee.                                  |
|--------------------|--|---------------------------|---|----------------------------|--|
|                    |  |                           |   | Years.                     |  |
| Jai Mangal Singh.  | Passed the Mechanical and Electrical Engineering (higher grade) examinations from the Thomason College, Roorkee, and the City and Guilds Institute (London) Examination in Mechanical Engineering. | £240 per annum.           | For the study of Mechanical Engineering abroad. | Two                        | There was no selection committee. Government selected the candidate. |
| Raza Hussain Khan. | B.Sc. of the Allahabad University, and an ex-student of the Government Technological Institute, Cawnpore, having obtained a diploma of Applied Chemical Research.                                  | £240 per annum.           | For the study of sugar manufacture abroad.      | Two                        | Idem.  |





# LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

*Saturday, January 29, 1927.*

THE Council met in the Council Chamber, Lucknow, at 11 a.m.  
The Hon'ble Rai Bahadur Lala Sita Ram in the Chair.

## PRESENT :

(89)

The Hon'ble Sir Sam O'Donnell.  
The Hon'ble Lieut. Nawab Muhummad Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
The Hon'ble Thakur Rajendra Singh.  
The Hon'ble Nawab Muhammad Yusuf.  
Mr. G. B. Lambert.  
Mr. F. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Sir Ivo Elliott.  
Mr. P. H. Tillard.  
Mr. H. A. Lane.  
Mr. R. L. Yorke.  
Mr. A. W. Pim.  
Mr. A. W. McNair.  
Khan Bahadur Chaudhri Wajid Husain.  
Mr. E. J. Norton.  
Mr. F. F. R. Chamber.  
Mr. R. J. S. Dodd.  
Colonel G. Tate.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Khan Bahadur Mr. Masud-ul-Hasan.  
Mr. E. Ahmad Shah.  
Babu Ram Charana.  
Babu Ganesh Shankar Vidyarthi.  
Mr. A. P. Dube.  
Pandit Rahas Binari Tiwari.  
Rai Bahadur Lala Shyam Sundar Lal.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
Rai Sahib Lala Jagdish Prasad.  
Chaudhri Vijai Pal Singh.  
Pandit Nanak Chand.  
Thakur Manak Singh.  
Thakur Hukum Singh.  
Raja Kushal Pal Singh.  
Lala Nemi Saran.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Pandit Brijnandan Prasad Misra.  
Pandit Bhagwat Narayan Bhargava.  
Rao Udaibir Singh.  
Babu Kishori Prasad.  
Pandit Deota Prasad.  
Babu Shyam Lal.  
Pandit Vinkatesh Narayan Tiwari.

Babu Kavendra Narayan Singh.  
Pandit Shri Sadayatan Pande.  
Thakur Shiva Shankar Singh.  
Rai Bahadur Thakur Hanuman Singh.  
Rai Bahadur Babu Abhinandan Prasad.  
Bhaya Hanumat Prasad Singh.  
Pandit Govind Ballabh Pant.  
Pandit Badri Dutt Pande.  
Mr. Mukandi Lal.  
Sirdar Nihal Singh.  
Raja Bahadur Bishwanath Saran Singh.  
Rai Bahadur Babu Mohan Lal.  
Rai Bahadur Pandit Sankata Prasad Bajpai.  
Babu Mahendra Deva Varma alias Lalji.  
Kunwar Surendra Pratap Sahi.  
Mr. C. Y. Chintamani.  
Haji Abdul Qayum.  
Mr. Muhammad Abdul Bari.  
Maulvi Zahur-ud-din.  
Saiyid Tufail Ahmad.  
Khan Bahadur Shaikh Zia-ul-Haq.  
Nawabzada Muhammad Liaqat Ali Khan.  
Hafiz Muhammad Ibrahim.  
Lieut. Khan Bahadur Nawabzada Abdus Sami Khan.  
Shaikh Abdullah.  
Khan Bahadur Hafiz Hidayat Husain.  
Maulvi Saiyid Habib-ullah.  
Khan Bahadur Shah Badro Alam.  
Shaikh Ghulam Husain.  
Dr. Shafa'at Ahmad Khan.  
Khan Bahadur Saiyid Jafar Husain.  
Khan Bahadur Shaikh Saiyid Muhammad alias Manku Man.  
Khan Bahadur Hakim Mahbub Ali Khan.  
Khan Bahadur Maulvi Fasih-ud-din.  
Khawaja Khalil Ahmad Shah.  
Shaikh Muhammad Habib-ullah.  
Raja Saiyid Ahmad Ali Khan Alvi.  
Mr. St. George H. S. Jackson.  
Rai Bahadur Lala Mathura Prasad Mehrotra.  
Kunwar Bisheshwar Dayal Seth.  
Raja Jagannath Bakhsh Singh.  
Mr. F. M. Souter.  
Pandit Iqbal Narayan Gurtu.

## QUESTIONS AND ANSWERS.

**STARRED QUESTIONS.**

## DEPRESSED CLASSES.

\* 1. **Babu Ram Charana :** Will the Government be pleased to lay on the table a statement in the form below regarding the depressed classes of the different districts of these provinces ?

| 1                 | 2                            | 3                                    | 4                                   | 5                                  | 6  | 7   | 8  | 9   | 10   | 11                                | 12                                     | 13                      | 14                                  | 15  | 16  | 17  | 18   | 19   |
|-------------------|------------------------------|--------------------------------------|-------------------------------------|------------------------------------|--|---|--|---|--|-----------------------------------|--|-------------------------|-------------------------------------|---|---|---|--|--|
| Name of district. | Rural.                       | Urban.                               | Rural.                              | Urban.                             | Rural.   | Urban.  | Rural.   | Urban.  | Rural.   | Urban.                            | Rural.                                 | Urban.                  | Rural.                              | Urban.  | Rural.  | Urban.  | Rural.   | Urban.   |
|                   | Number of schools (primary). | Number of high class Hindu students. | Number of depressed class students. | Number of depressed class schools. | Number of students in depressed class schools. | Number of teachers of high class Hindus in schools of column 2. | Number of depressed class teachers in schools of column 2. | Number of teachers of high-class Hindus in schools of column 5. | Number of depressed class teachers in schools of column 5. | Number of high class supervisors. | Number of depressed class supervisors. | Total Hindu population. | Total depressed classes population. | Amount of money spent in 1926 over schools of column 2. | Amount of money spent in 1926 over depressed class schools. | Number of scholarship holders of high class Hindus. | Number of scholarship holders of depressed class Hindus. | Number of boys of depressed classes of school-going age not admitted in schools. |

**The Hon'ble Rai Rajeshwar Bali :** The collection of the detailed information asked for by the honourable member would involve labour incommensurate with the value of the information obtained. For the figures asked in his statement—

*Column 2.*—The honourable member is referred to provincial table B of the general report on public instruction. Figures of rural and urban areas separately are not available.

*Columns 3 and 4.*—For total figures for these provinces the honourable member is referred to general tables IV-A and IV-B of the same report. Figures of rural and urban areas separately are not available.

*Columns 5 and 6.*—For total figures for these provinces the honourable member is referred to the footnote to general table I of the same report. Figures of rural and urban areas separately are not available.

*Columns 7 to 12.*—The information is not available.

*Columns 13 and 14.*—The honourable member is referred to the census report for 1921.

*Column 15.*—The honourable member is referred to general tables III-A and III-B of the general report on public instruction for total figures for these provinces, and to provincial table B for districtwise figures. Figures of rural and urban areas separately are not available.

*Columns 16 to 19.*—The information is not available.

\* 2. **Babu Ram Charana :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

\* 3. **Babu Ram Charana :** Will the Government be pleased to state how many village chaukidars there are in the different districts of these provinces and how many of them belong to the depressed classes, mentioning the castes of each of the latter?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The statistics regarding castes cannot be collected without very considerable labour, and as the Government have always declined to attempt a specification of the castes included in the term "depressed classes," that labour would presumably be wasted so far as the honourable member's purpose is concerned. In the circumstances perhaps the honourable member does not require the other figures.

\* 4 to 9. **Babu Ram Charana :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

\* 10. **Pandit Nanak Chand :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

#### VILLAGE PANCHAYATS.

\* 11. **Pandit Nanak Chand :** Will the Hon'ble Minister in charge of Local Self-Government be pleased to state if the Local Government have prepared any scheme or programme for the extension of village *panchayats*? If so, what is the scheme or programme, and how is it proposed to be worked out?

**The Hon'ble Nawab Muhammad Yusuf :** It is not possible to prepare a programme. All the reports on the working of the system

indicate that the success of a *panchayat* depends absolutely on local conditions and the personal factor; if the conditions are unfavourable the *panchayat* fails. In the early stage careful selection is the only method.

**Pandit Nanak Chand** : Who are the officers entrusted with the organization of these panchayats ?

**The Hon'ble Nawab Muhammad Yusuf** : District magistrates.

**Pandit Nanak Chand** : Is it not necessary that a programme should be prepared for them for each district ?

**The Hon'ble the President** : That is asking for an expression of opinion.

**Pandit Bhagwat Narayan Bhargava** : In what way does the Government intend to extend the constitution of village *panchayats* in the whole province ?

**The Hon'ble Nawab Muhammad Yusuf** : We propose through the Collectors to make sub-divisional officers and tahsildars take keen interest in their local areas and report with a view to create these *panchayats*. That is the present position. But we are prepared to examine the question further.

**Raja Jagannath Bakhsh Singh** : May I know if the policy of the Government is expansion of these *panchayats* first and efficiency afterwards or *vice versa* ?

**The Hon'ble Nawab Muhammad Yusuf** : Both.

**Raja Jagannath Bakhsh Singh** : Which of them will be given a primary place ?

**The Hon'ble Nawab Muhammad Yusuf** : It is difficult to say.

**Mr. C. Y. Chintamani** : Do sub-divisional officers and tahsildars take very keen interest in the development of *panchayats* ?

**The Hon'ble Nawab Muhammad Yusuf** : It depends on the individual officer.

**Mr. C. Y. Chintamani** : In what manner is the Hon'ble Minister prepared to examine the question further ?

**The Hon'ble Nawab Muhammad Yusuf** : It requires notice.

\* 12 and 13. **Pandit Nanak Chand** : [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

#### SEPARATION OF EXECUTIVE AND JUDICIAL FUNCTIONS.

\* 14. **Pandit Nanak Chand** : (a) Have the Government received any communication from the Government of India on the question of separation of executive and judicial functions ?

(b) What is the stage to which the solution of this matter has advanced ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan** : The honourable member is referred to the answer given to starred question No. 9 on January 27, 1927.

*Copy of starred question No. 9 of January 27, 1927, asked by LALA NEMI SARAN and the answer given thereto.*

QUESTION.

\* What is going on regarding the separation of executive and judicial functions? Has the sanction from the Government of India been received?

ANSWER.

\* The Government of India have recently intimated that the proposal is still under consideration.

DIVISIONAL COMMISSIONERS.

\* 15. **Pandit Nanak Chand**: When and what steps, if any, do Government intend to adopt to reduce the number of divisional commissioners?

**The Hon'ble Sir Sam O'Donnell**: The honourable member is referred to the answer to starred question No. 10 for January 27, 1927.

*Copy of starred question No. 10 asked by LALA NEMI SARAN on January 27, 1927, and the reply given thereto.*

QUESTION.

\* After the enactment of the new Tenancy Act has the Government considered the question of the abolition of commissionerships? If so, with what result and, if not, why not?

ANSWER.

\* The new legislation has not had time to affect the amount of judicial work in commissioner's courts. It is too early yet to say what the result will be.

CONSOLIDATION OF AGRICULTURAL HOLDINGS.

\* 16. **Pandit Nanak Chand**: When and what action, if any, do Government intend to take to encourage and facilitate consolidation of agricultural holdings?

**The Hon'ble Sir Sam O'Donnell**: The honourable member is referred to the Government resolution on the subject published in the Gazette of May 31, 1924, which subsequent experience has corroborated. The Board of Revenue have since been experimenting in some Court of Wards villages with varying success. The Co-operative department are trying to encourage consolidation by forming co-operative societies for the purpose. The Agra Tenancy Act of 1926 also contains provisions to make consolidation easier. The question is now under the consideration of the Royal Commission on Agriculture. Past experience indicates that progress must be slow, that any attempt at compulsion would only retard the movement, and that it is only by propaganda and such measures of persuasion as Government are adopting that eventual success is likely to be achieved.

**Pandit Nanak Chand**: Have any co-operative societies been formed for the purpose?

**The Hon'ble Sir Sam O'Donnell**: Yes, Registrars have been touring and co-operative societies have been formed in Saharanpur. It is hoped more will be formed.

**Pandit Nanak Chand**: How many societies have been formed in Saharanpur?

**The Hon'ble Sir Sam O'Donnell**: Three have been started at present.

**Dr. Shafa'at Ahmad Khan:** Do the Government intend to bring a Bill dealing with the subject as promised during the discussion on the Agra Tenancy Bill?

**The Hon'ble Sir Sam O'Donnell:** I do not think any promise was made to bring a Bill on the subject. What I think we said on that occasion was that that was not a matter to be dealt with in the Tenancy Bill to any large extent. If legislation was required, it ought to be separate legislation.

#### GRANTS TO HINDU UNIVERSITY, BENARES.

\* 17. **Pandit Nanak Chand:** Do Government intend to make any recurring and non-recurring grants to the Benares Hindu University in the next financial year?

**The Hon'ble Sir Sam O'Donnell:** The honourable member is referred to the statement made by me during the course of the debate on the resolution moved by Pandit Iqbal Narayan Gurtu on January 27, 1927.

\* 18. **Pandit Nanak Chand:** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

#### REPORT OF THE EDUCATION CODE REVISION COMMITTEE.

\* 19. **Pandit Nanak Chand:** (a) When and what action, if any, do Government intend to take on the report of the Education Code Revision Committee?

(b) When was the report submitted by the committee to the Government?

**The Hon'ble Rai Rajeshwar Bali:** (a) Government hope within the next few months to publish the revised Code based on the committee's recommendations.

(b) In instalments in 1924 and 1925.

#### RULES FOR GRANTING AID TO HAKIMS AND VAIDS.

\* 20. **Pandit Nanak Chand:** (a) Has the Board of Indian Systems of Medicines prepared any rules or laid down any principles for granting aid to hakims and vaids?

(b) If so, what are those rules or principles?

**The Hon'ble Rai Rajeshwar Bali:** (a) Yes.

(b) The rules framed by the Board are laid on the table.

(See Appendix A, page 398.)

**Pandit Nanak Chand:** The rules laid on the table are regarding grants-in-aid to dispensaries. I inquired about grants-in-aid to hakims and vaids.

**The Hon'ble Rai Rajeshwar Bali:** I have not followed the question. We do not give grants to individual vaids and hakims.

#### TRAINING FOR DAIS.

\* 21. **Pandit Nanak Chand:** When and what action, if any, do Government intend to take for providing suitable training for *daies* and inducing *daies* to undergo training?



**The Hon'ble Rai Rajeshwar Bali :** There are arrangements for the training of *dais* at 51 hospitals in these provinces. A grant of Rs. 50,000 was made to the provincial branch of the Lady Chelmsford League for this purpose in the current financial year, which it is hoped to increase in the next year. *Dais* who offer themselves for training are given a monthly scholarship of Rs. 12 with a view to induce them to undergo the training.

**GOVERNMENT'S ACTION ON LEGISLATION PROPOSED BY THE NAIK REFORM COMMITTEE.**

\* 22. **Pandit Nanak Chand :** When and what action, if any, do Government intend to take to proceed with the legislation proposed by the Naik Reform Committee appointed by the Government ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The honourable member is referred to the answer given to his starred question No. 16 on April 7, 1926.

*Copy of starred question No. 16 of April 7, 1926, asked by PANDIT NAIK CHAND, and the answer given thereto.*

QUESTION.

\* (a) Has the Government received the report of the committee appointed in connexion with the problem of the reform of the Naik community ? If so, when was the report received by the Government ?

(b) Does the report contain a Bill ?

(c) What action has the Government taken on the report so far, and when do they propose to introduce the necessary legislation ?

ANSWER.

\* (a) Yes, on September 28, 1925.

(b) Yes.

(c) The draft Bill prepared by the committee required re-casting, and this has been done. As the Bill requires the previous sanction of the Governor General, it is impossible for this Government to make any statement.

\* 23 and 24. **Pandit Nanak Chand :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

**TRAINING OF VETERINARY OFFICERS.**

\* 25. **Pandit Nanak Chand :** Do Government intend to make any suitable arrangement for training veterinary officers within these provinces ? If so, when and where ?

**The Hon'ble Thakur Rajendra Singh :** Not at present.

**Pandit Nanak Chand :** Why not ?

**The Hon'ble Thakur Rajendra Singh :** Because we have got a large number of men on the waiting list. Further, we send them for training to Calcutta. That is a cheaper arrangement. They charge Rs. 600 per annum.

**Pandit Nanak Chand :** Does it cost Rs. 600 per annum for all the candidates sent or for one candidate ?

**The Hon'ble Thakur Rajendra Singh :** For one candidate.

**GOVERNMENT'S ACTION ON RESOLUTION re INTRODUCTION OF PHYSICAL TRAINING.**

\* 26. **Pandit Nanak Chand :** (a) What action, if any, has been taken so far on the resolution regarding the introduction of physical training including drill ?

(b) When and what further action, if any, do Government intend to take in this matter ?

**The Hon'ble Rai Rajeshwar Bali :** The honourable member is referred to the statement made on behalf of Government during the course of the discussion on Mr. A. P. Dube's resolution on January 24, 1927.

**CORRUPT PRACTICES AMONGST GOVERNMENT SERVANTS.**

\* 27. **Pandit Nanak Chand :** (a) What measure, if any, has the Government so far adopted and with what result for the reduction of corrupt practices rampant amongst some of the Government servants ?

(b) Have the Government succeeded in detecting any of the corrupt officials ?

(c) If so, what are their names, and how their cases have been disposed of ?

(d) How many cases are still under inquiry ?

**The Hon'ble Sir Sam O'Donnell :** (a) Orders, which are necessarily confidential, were issued to all departments. The publication of the orders would defeat the purpose which the Government have in view.

(b), (c), and (d) A statement is laid on the table.

*(See Appendix B, page 398.)*

**Pandit Nanak Chand :** Why were certain officers exonerated ? Was there no charge proved against them, or the charge was proved against them and still they were exonerated ?

**The Hon'ble Sir Sam O'Donnell :** To what does the honourable member refer when he says " exonerated " ?

**Pandit Nanak Chand :** I am referring to the tahsildar at the bottom of the first page. It is said " another tahsildar who was exonerated."

**The Hon'ble Sir Sam O'Donnell :** The answer is that he was exonerated after an exhaustive inquiry. It was found that no charge was proved against him.

**Pandit Nanak Chand :** At the next page also it is said that " two sub-inspectors, one head constable, and four constables were exonerated." Why ?

**The Hon'ble Sir Sam O'Donnell :** Two sub-inspectors, two head-constables, and eight constables were judicially acquitted, that is the statement.

**Pandit Nanak Chand :** I mean the third and fourth lines from the bottom of page 2.

**The Hon'ble Sir Sam O'Donnell :** I presume that they were exonerated because it was found on inquiry that those charges were not proved against them.

**The Hon'ble the President :** Is the honourable member asking the meaning of the word, " exonerated," or what ?

**Pandit Nanak Chand :** I wanted to know why they were exonerated.

### THE PROVINCIAL JUDICIAL SERVICE OFFICERS.

\* 28. **Mr. C. Y. Chintamani :** (a) Has the attention of the Governor in Council been drawn to the following sentence in the preface to the second edition of "The Advocate" by the Hon'ble Sir Cecil Walsh, Acting Chief Justice of the High Court (Allahabad ; Ram Narayan Lal, 1926) ?

"I have been shocked by the number of cases of deliberate rascality, both in the Provincial Judicial Service and at the Bar."

(b) Has the Governor in Council taken any steps to protect the officers of that service and the members of the Bar from this vilification ?

(c) If "yes," what are the steps taken ? If "no," will any be taken, and what ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** (a) Not before the honourable member asked this question.

(b) and (c) The quotation should be read in its context. It is followed by this sentence :—

"There are black sheep in every fold, and there are rogues in every profession. They do not represent the bulk, nor does their conduct discredit anyone but themselves."

There is also a further quotation which runs as follows :—

"I would not be thought to entertain a doubt about the ability, the honour and integrity of the majority of those who practise in the High Court."

**Mr. C. Y. Chintamani :** Is there a sentence between the one quoted in my question and the one which this answer alleges follows that sentence, and does that not show that in the context the explanation relates only to members of the Bar and not to the officers of the Provincial Judicial Service ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I could not follow the honourable member.

**Mr. C. Y. Chintamani :** Is it a fact that between the sentence quoted in my question and the sentence quoted in the printed answer there is this sentence :—

"I have also been saddened by the number of practitioners who do not hesitate to argue what, I am sure, they must know to be nonsense ; who shrink from admitting points which are absolutely clear because they tell against them ; who cite irrelevant cases and who dwell on side-issues which have not been decided against them, but which are unavailing to get rid of the fatal point which has."

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Yes, it is there.

**Mr. C. Y. Chintamani :** Does this show that the condemnation of the "deliberate rascality" of officers of the Provincial Judicial Service remains unmitigated and unqualified ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** No ; I do not think so.

**Mr. C. Y. Chintamani :** Is there anything in the sentence which I have quoted or in the sentence quoted in this reply or in the further sentence quoted by the Home Member which refers to the Provincial Judicial Service ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Not in so many terms ; but I think that in this sentence " There are black sheep in every fold, and there are rogues in every profession " he has referred in the first part to the Judicial Service and in the second to the Bar.

**Mr. C. Y. Chintamani :** Is there any reference to the Judicial Service in the intervening sentence or in the sentence quoted by the Home Member, viz., " I would not be thought to entertain a doubt about the ability, the honour and integrity of the majority of those who practise in the High Court " ? Does the Home Member say that there is any reference in this to the Provincial Judicial Service ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** It seems to be only a matter of difference of opinion. I have given my interpretation and the honourable member is free to have his own if he likes.

**Mr. C. Y. Chintamani :** Do the Government approve of the opinion of the deliberate rascality of the Provincial Judicial Service expressed here ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Government are not prepared to express any opinion, as we think that this was not written by him in his official capacity.

**Mr. C. Y. Chintamani :** Do the Government share the opinion of the author of the book about the quality of the Provincial Judicial Service ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Government need not express anything because we do not think that there is any reflection on the whole service as such.

**Mr. C. Y. Chintamani :** Do the Government propose to do anything to satisfy the Provincial Judicial Service against this vilification ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** We do not admit that there is a general vilification of the whole service.

**Pandit Iqbal Narayan Gurtu :** Will Government be prepared to convey to the author of the book its regret that such a general statement was made regarding the Judicial Service ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** As I said, we do not admit that there is any such general statement.

**Babu Bhagwati Sahai Bedar :** Is the Government prepared to prosecute the author of this book ?

**The Hon'ble the President :** Prosecute him for what ?

**Babu Bhagwati Sahai Bedar :** For insinuating against the Judicial Service.

**The Hon'ble the President :** The Home Member has already said that he does not think that there is a general vilification of the whole service.

**Mr. C. Y. Chintamani :** Will the Government be pleased to ask the author of the book to expunge this reference to the Provincial Judicial Service from the book ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I do not think that we can do anything in this matter.

**Pandit Bhagwat Narayan Bhargava :** May I know the definition of "vilification" from the Government?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The honourable member will find it if he refers to the Oxford dictionary in the library.

**Lala Nemi Saran :** Has not the Government anything in view regarding the definition?

**Pandit Brijnandan Prasad Misra :** Does this remark apply to some cases of the Indian Judicial Service?

**Mr. C. Y. Chintamani :** Are the members of the Provincial Judicial Service to conclude that they have nothing to expect from the Government in the way of satisfaction of self-respect?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Well, there is nothing against their self-respect. Government is ready to protect their self-respect, but they do not regard that their self-respect is affected.

**Pandit Iqbal Narayan Gurtu :** Is the Government of opinion that the charge of rascality is nothing against their self-respect?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** If there is any, it is not against the whole service.

**Babu Bhagwati Sahai Bedar :** Do these sentences create a class hatred?

**The Hon'ble the President :** That is asking for opinion.

**Mr. C. Y. Chintamani :** Will the Government be pleased to say whether in fact there are a number of cases of deliberate rascality in the Provincial Judicial Service?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** In the past there were some cases where men were removed from service.

**Mr. C. Y. Chintamani :** I have not been able to follow the Hon'ble the Home Member.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** There were a few cases where we had to remove a few officers from the Judicial Service.

**Pandit Govind Ballabh Pant :** Will the Government be pleased to say as to how many cases of deliberate rascality were brought to the notice of the Government during the last three years?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I do not remember the number, but few officers were removed from the service.

**Babu Bhagwati Sahai Bedar :** What was the nature of rascality?  
(No reply.)

**Pandit Iqbal Narayan Gurtu :** Is the Government now prepared to state that these remarks do not apply to the officers of the Judicial Service now on their cadre?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** They do not apply to them as a whole.

**Pandit Govind Ballabh Pant :** Does the Government imply that there are still some members in the service at present, however small their number may be, who can be accused of deliberate rascality?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** We hope not, but we do not know.

**Pandit Govind Ballabh Pant :** Is the Government aware of a single case in which any judicial officer can be said to have practised deliberate rascality?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** There were few and the officers concerned were removed from service.

**Pandit Govind Ballabh Pant :** Has there been or is there at present any member of the Judicial Service who can be said to be guilty of deliberate rascality?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** We do not know.

**Pandit Bhagwat Narayan Bhargava :** For what reasons were any members of that service removed?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I have already explained.

**Mr. C. Y. Chintamani :** Do Government not know whether there are at present any officers of such a character now in the service?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** We hope there are not.

**Mr. C. Y. Chintamani :** Was the number of cases of Provincial Judicial officers who had to be removed such as to justify the language of the book?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** We do not think it is meant for all officers. It is only meant to apply to those who had to be removed.

**Khan Bahadur Hafiz Hidayat Husain :** Will Government send copies of these questions and answers to the author?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** He will be able to see them for himself in the press.

**Pandit Iqbal Narayan Gurtu :** But Government will not do it? Does Government refuse to do this?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I think there is no need.

**Pandit Iqbal Narayan Gurtu :** My question is, does Government refuse to do this?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** It will serve no purpose.

**Khan Bahadur Maulvi Fasih-ud-din :** Supposing a member of the Provincial Judicial Service prosecutes the author—will he have to take sanction from the Government ?

**The Hon'ble the President :** I am afraid that is a hypothetical question.

**Pandit Govind Ballabh Pant :** Is Government going to try and find out from the author of the book the number of cases there are of deliberate rascality ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** We are already aware of cases which occurred and we took action. I do not think there is any need to ask the author of the book.

**Pandit Govind Ballabh Pant :** Is it the intention of the Government to share its knowledge with others ?

(No answer).

#### ADVISORY COMMITTEE OF THE GREAT INDIAN PENINSULA RAILWAY.

\* 29. **Pandit Bhagwat Narayan Bhargava :** Will the Government be pleased to state the reasons why no member of this Council is required to serve in the advisory committee of the Great Indian Peninsula Railway ?

**The Hon'ble Sir Sam O'Donnell :** As the headquarters of the Great Indian Peninsula Railway is located at Bombay the advisory committee has been formed for the Bombay Presidency only. No member of the United Provinces Legislative Council is therefore required to serve on it.

\* 30. **Pandit Bhagwat Narayan Bhargava :** Is there any method by which the members of this Council can represent rural interests and the travelling public of the Great Indian Peninsula Railway on any committee connected with the Great Indian Peninsula Railway ?

**The Hon'ble Sir Sam O'Donnell :** The answer is in the negative.

**Pandit Bhagwat Narayan Bhargava :** Is Government aware that the headquarters of the East Indian Railway is not in this province ?

**The Hon'ble Sir Sam O'Donnell :** That is perfectly true, but the East Indian Railway has a large section of its line running through this province. Whereas there is only a small section of the Great Indian Peninsula Railway which runs through this province.

**Pandit Bhagwat Narayan Bhargava :** Is the Government aware that there is a large and chief junction station of the Great Indian Peninsula Railway at Jhansi ?

**The Hon'ble Sir Sam O'Donnell :** I am aware that there is a large station at Jhansi.

**Pandit Bhagwat Narayan Bhargava :** And that four or five main lines run through that junction ?

**The Hon'ble Sir Sam O'Donnell :** I do not know how many lines run through the station.

**Thakur Manjit Singh Rathor :** Why cannot Government ask for suitable representation of this Council on the railway ?

**The Hon'ble Sir Sam O'Donnell :** For reasons I have already explained. I do not think we can move in the matter. Every province through which a small section runs cannot ask for representation on the committee.

\* 31. **Pandit Bhagwat Narayan Bhargava :** [*Postponed at the request of Government till the first day of the next meeting of the Council.*]

COMPULSORY EDUCATION.

\* 32. **Pandit Bhagwat Narayan Bhargava :** Will the Government be pleased to state if any district board in the province has applied for introducing compulsory education ?

**The Hon'ble Rai Rajeshwar Bali :** The answer is in the negative.

\* 33. **Pandit Bhagwat Narayan Bhargava :** Will the Government state the number of municipalities which have introduced compulsory education in the whole of their area ?

**The Hon'ble Rai Rajeshwar Bali :** Fourteen.

AFFILIATION OF COLLEGES TO AGRA UNIVERSITY.

\* 34. **Pandit Bhagwat Narayan Bhargava :** Does the Government contemplate to affiliate any Government Colleges to the Agra University outside Agra ? If so, which and when ? If not, why ?

**The Hon'ble Rai Rajeshwar Bali :** The honourable member is referred to section 18(h) of the Agra University Act which was published in the *United Provinces Gazette* of October 30, 1926.

GOVERNMENT'S ACTION ON RESOLUTION REGARDING CORRUPTION  
AMONGST PUBLIC SERVANTS.

\* 35. **Pandit Bhagwat Narayan Bhargava :** Has the Government taken any action on the resolution of Pandit Sri Krishna Dutt Paliwal on corruption amongst public servants passed by the last Council ? If so, what ? If not, why ?

**The Hon'ble Sir Sam. O'Donnell :** The honourable member is referred to the answer to starred question No. 27 of today's date.

BUNDELKHAND ALIENATION OF LAND ACT.

\* 36. **Pandit Bhagwat Narayan Bhargava :** Has the attention of the Government been drawn to the recent judgement of the Allahabad High Court regarding certain defects in the Bundelkhand Alienation of Land Act ? If so, what action has the Government taken on it ?

**The Hon'ble Sir Sam. O'Donnell :** (a) Yes.

(b) Government asked the commissioner for his views and suggestions, which he has just submitted. Government are considering them.



## COMMUNAL TROUBLE IN BISAULI, TAHSIL BUDAUN.

\* 37. **Chaudhri Badan Singh** : Is it a fact that the District Magistrate, Budaun, ordered the removal of and actually got removed a *chabutra* on which Musalmans used to say their prayers in an old-time *nawabi* building in which the present tahsil office of Bisauli tahsil, district Budaun, is located ?

\* 38. Is it a fact that the same District Magistrate the same day and from the same building got an idol of *Shivaji* removed that used to be worshipped by Hindus of that vicinity ?

\* 39. Is it a fact that two Muhammadan Government servants, the registrar qanungo, assistant registrar qanungo, and a Hindu chaprasi have been transferred from Bisauli tahsil when they made a protest before the District Magistrate ?

\* 40. If the answers to the previous questions be in the negative, will the Government be pleased to state the reasons and circumstances which led to the transfer of these Government servants ?

\* 41. Is the Government aware that Mr. Narain Sahai, secretary, Hindu Sabha, asked the sub-divisional officer to give him the whereabouts of the removed idol, but received no definite reply ?

\* 42. Will the Government be pleased to throw light on the whole matter and state what action (if any) they have taken or propose to take ?

**The Hon'ble Sir Sam. O'Donnell** : The information received does not cover every detail in these questions but the main facts are clear and I give them in reply to questions 37 to 42 taken together.

During his recent inspection of the Bisauli tahsil the Collector of Budaun found and dealt with certain threats of communal trouble among the tahsil staff. In the course of his inquiry he found that an idol had been placed some years ago in a small *kothri* within the tahsil by a chaprasi who has since died. He also found that the Muslim officials had recently taken to using a small *chabutra* in a corner of the tahsil compound with the intention of giving it the status of a *masjid* by saying prayers there. It is not known exactly when the idol was placed there, and there is no mention of it in any tahsil record or inspection note. It is known that the *chabutra* was constructed by a certain Imdad Ali, mukhtar of Bisauli, for his professional convenience.

The Collector consulted the oldest of the Hindu *raises* of Bisauli and was told that no importance was attached to the idol by the residents of the town. Imdad Ali's son gave the Collector the facts regarding the *chabutra*. The Collector ordered the removal of both on January 15, and the order was carried out without incident. When the honourable member challenged the Collector's action three days later, the latter made sure of his ground by still further inquiries and statements of local pandits and maulvis are on record in support of his action. The officials who were concerned in the communal trouble, which appears to have been connected with these two structures have been warned and transferred.

I think it is clear that Government cannot allow unauthorized constructions which will claim special sanctity to spring up in Government buildings, and that their removal is justified if it can be carried out with such general approval as is forthcoming in this case.

**Lala Nemi Saran** : Is it a fact that the building was not built by Government but was a private building?

**The Hon'ble Sir Sam. O'Donnell** : It was an old *nawabi* building.

**Lala Nemi Saran** : (Question inaudible.)

**The Hon'ble Sir Sam. O'Donnell** : I know from the report of the Collector that there was communal trouble between the officials on both sides, Hindus and Muhamnadans. He does not say what the trouble was about.

**Lala Nemi Saran** : Was there a *chabutra* on which the idol was placed?

**The Hon'ble Sir Sam O'Donnell** : The idol had been surrounded by a *chabutra*.

**Lala Nemi Saran** : Since when was the idol placed there?

**The Hon'ble Sir Sam O'Donnell** : It must have been placed there between 1904 and 1909. It was carefully concealed from all inspecting officers.

**Lala Nemi Saran** : Is it a fact that in 1906 the tahsildar wanted to use the room in question for storing *bhusa*?

**The Hon'ble Sir Sam. O'Donnell** : I have no information about that.

**Lala Nemi Saran** : Will the Hon'ble the Finance Member inquire if there was any feeling in regard to this idol and *chabutra* at the time?

**The Hon'ble Sir Sam O'Donnell** : I have no information. This is the first time I have heard about it. The existence of it was carefully concealed from all officials.

**Lala Nemi Saran** : Since how long was the tahsil located in this building?

**The Hon'ble Sir Sam O'Donnell** : It must have been a good many years, because the tahsil building was an old *nawabi* building of the Rohilla period.

**Babu Bhagwati Sahai Bedar** : Is Government aware that there is resentment among the Hindu and Muhammadan officials against the conduct of the District Magistrate?

**The Hon'ble Sir Sam O'Donnell** : Certain officials concerned have been warned and transferred.

**Lala Nemi Saran** : Is it a fact that there was apprehension of the breach of the peace at the time?

**The Hon'ble Sir Sam O'Donnell** : My report does not suggest any thing of the sort. On the other hand, it suggests that it has the approval of local people.

**Lala Nemi Saran :** Was armed police summoned at the time ?

**The Hon'ble Sir Sam O'Donnell :** My report does not mention anything like that.

**Pandit Govind Ballabh Pant :** Was there any objection on the part of the Muhammadans to the worship of the idol and on the part of the Hindus to the performance of *namaz* on the *chabutra* ?

**The Hon'ble Sir Sam O'Donnell :** The report does not definitely say that. It says that there was communal trouble and it was apparently connected with this.

**Pandit Govind Ballabh Pant :** Government is not in a position to say what was the nature of the communal trouble ?

**The Hon'ble Sir Sam O'Donnell :** No, the Collector simply says that he found communal trouble there but does not give any further details.

**Pandit Govind Ballabh Pant :** Were Hindus and Muslims consulted in the matter before this action was taken ?

**The Hon'ble Sir Sam O'Donnell :** The Collector consulted the local people.

**Pandit Nanak Chand :** Who were the gentlemen consulted by the Collector ?

**The Hon'ble Sir Sam O'Donnell :** He says that he consulted the oldest of the Hindu *raises* and was told that no importance was attached to the idol by the residents of the town.

**Pandit Govind Ballabh Pant :** Does the oldest of the Hindu *raises* mean a single gentlemen or also other oldest gentlemen ?

**The Hon'ble Sir Sam O'Donnell :** I do not know. Subsequently he also consulted the local pandits about this matter.

**Lala Nemi Saran :** Were the Hindus and Muslims in the vicinity consulted ?

**The Hon'ble Sir Sam O'Donnell :** I have no information. He consulted the oldest of the Hindu *raises* and later on recorded the statements and opinions of local pandits and maulvis in support of his action.

**Lala Nemi Saran :** I mean in the vicinity of the building.

**The Hon'ble Sir Sam O'Donnell :** I do not know what the honourable member means by vicinity. I take it he means the local people in the immediate neighbourhood.

**Pandit Govind Ballabh Pant :** Was any request made by the Hindus to give back the idol ?

**The Hon'ble Sir Sam O'Donnell :** I do not know that any request was made. If such a request was made I have no doubt we would have been informed.

**Babu Bhagwati Sahai Bedar :** Is the Government aware that Chaudhri Badan Singh himself requested the District Magistrate to give the whereabouts of that idol ?

**The Hon'ble Sir. Sam O'Donnell :** I do not know. I do not think it was mentioned in the report.

**Lala Nemi Saran :** By whom was the idol removed ?

**The Hon'ble Sir Sam O'Donnell :** That, again, is not stated. I have no doubt it was done in a proper manner.

**Lala Nemi Saran :** Is it a fact that the local people were prohibited under threat from holding a protest meeting ?

**The Hon'ble Sir Sam O'Donnell :** I do not believe that any threats were held out to the public.

**Pandit Govind Ballabh Pant :** Has the Collector made any arrangement for the regular performance of *puja* to this idol ?

**The Hon'ble Sir Sam O'Donnell :** There was no installation ceremony of the idol. It was placed in the room surreptitiously.

**Pandit Govind Ballabh Pant :** Whose property is it now ?

**The Hon'ble Sir Sam O'Donnell :** I do not know whose property it is.

**Lala Nemi Saran :** Do the Government intend to institute an impartial inquiry in the matter ?

**The Hon'ble Sir Sam O'Donnell :** The matter has been fully inquired into.

**Lala Nemi Saran :** Will the Government be pleased to give the House information regarding the place where the idol is and whether it is in the possession of Hindus or Muslims ?

**The Hon'ble Sir Sam O'Donnell :** I will find out where the idol is at the present moment, if the Hon'ble Member wishes to know.

**Pandit Govind Ballabh Pant :** Is there any objection on the part of the Government to the idol being given back to the Hindus, if they want it ?

**The Hon'ble Sir Sam O'Donnell :** If the Hindus of the neighbourhood ask for the idol, there will be no objection ; but of course it will not be allowed to be placed in the tahsil building.

**Mr. A. P. Dube :** Was the communal trouble apprehended in the town or among the servants of the tahsil ?

**The Hon'ble Sir Sam O'Donnell :** The trouble was between the Hindu and Muslim officials of the tahsil.

**Lala Nemi Saran :** Will the Government inquire whether the Hindus wanted the idol back and that it was refused to them ?

**The Hon'ble Sir Sam O'Donnell :** I will find out and let you know what happened to the idol.

#### NAIK REFORM BILL.

\* 43. **Pandit Govind Ballabh Pant :** When does the Government intend to introduce the Naik Reform Bill ?

Has the report of the committee and the draft Bill prepared by it been published?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :**

(a) The honourable member is referred to the answer given to Pandit Nanak Chand Sahib's starred question No. 16 on April 7, 1926.

(b) The answer is in the negative.

*Copy of starred question No. 16 of April 7, 1926, asked by PANDIT NANAK CHAND SAHIB and the answer given thereto.*

QUESTION.

\* (a) Has the Government received the report of the committee appointed in connexion with the problem of the reform of the Naik community? If so, when was the report received by the Government?

(b) Does the report contain a Bill?

(c) What action has the Government taken on the report so far, and when do they propose to introduce the necessary legislation?

ANSWER.

\* (a) Yes, on September 23, 1925.

(b) Yes.

(c) The draft Bill prepared by the committee required re-casting, and this has been done. As the Bill requires the previous sanction of the Governor-General, it is impossible for this Government to make any statement.

**Pandit Govind Ballabh Pant :** Has the Bill been submitted to the Government of India?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Not yet.

**Pandit Govind Ballabh Pant :** When do the Government intend sending it to the Government of India?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Unfortunately we could not hold a meeting of the whole Government to consider the Bill so far, and as soon as we have examined it, it will be submitted to the Government of India.

**Pandit Govind Ballabh Pant :** Will the Government in the meantime publish the report of the committee and draft Bill prepared by it?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** We will consider the question.

NOTICE OF MOTION FOR ADJOURNMENT.

**The Hon'ble the President :** Notice has been handed over to me by Mr. Chintamani of his intention to move the adjournment of the House as a protest against the answers given to question No. 28. Is there any objection to this motion being moved?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I object.

**The Hon'ble the President :** As the Hon'ble Home Member has objected, has the honourable member the leave of the House to bring forward this motion?

More than twenty members having stood up, the Hon'ble the President announced that under the standing orders the honourable member had the leave of the House and that the motion will be taken up after 4 o'clock, provided in the meantime it has not been disallowed by His Excellency the Governor.

## COMMITTEE ON PUBLIC ACCOUNTS—TENTH REPORT.

**The Hon'ble Sir Sam O'Donnell:** I beg to present to the Council the tenth report of the committee on Public Accounts relating to the audit report on the accounts of the United Provinces for 1924-25.

**The Hon'ble Sir Sam O'Donnell:** I beg to move that the tenth report of the Committee on Public Accounts relating to the audit report on the accounts of the United Provinces for 1924-25 be adopted.

**The Hon'ble the President:** As both amendments standing in Mr. Chintamani's name raise identically the same issue, they had better be moved together.

**Mr. C. Y. Chintamani:** I have given notice of two amendments to this motion and I move both the amendments standing in my name. They read thus:—

- (1) That in paragraph 10 (vi) at page 5 of the tenth report of the Committee on Public Accounts for the words "we agree that this system should be tried. We also desire that the Government should report to the Public Accounts Committee the result of its working," the words "purchases of food-grains should be made through the Stores Purchase branch of the Industries department and a report on the working of this arrangement should be made to this Council" be substituted.
- (2) That in paragraph 11(i) at page 6 of the same report, for the words "we agree" the words "such articles should be purchased through the Stores Purchase branch of the Industries department," be substituted.

Subject to these amendments I support the motion that has been made by the honourable member that the tenth report of the Committee on Public Accounts be adopted. As I gave notice I desire to offer a few general observations on the report of the Committee and then to say a few words in support of my amendments. The report of the Public Accounts Committee read together with the annexures and the reports which have been furnished to us leads to the conclusion that the Committee itself went as far as it could into the matters with which it was charged and we are indebted to it for its labours. The report further shows that the Finance department, whose duty it is to act as the guardian of the tax-payer, was not lacking in vigilance in controlling the propensities of the spending departments and in the effort to see that rules would be observed. This was to be expected of the Finance department and in the observations that will follow from me I hope I shall not be understood to intend to cast any reflection whatsoever upon the efficiency and the zeal with which the Finance department performed its legitimate and necessary functions.

The criticisms of the accounts and audit officers and of the Public Accounts Committee relate more to irregularities perpetrated by the officers of the spending departments than to any lack of vigilance on the part of the Finance department. The duties of the Finance department are of such a nature that here as elsewhere wherever there is a dutiful Finance department, it comes not infrequently into conflict with spending departments and makes itself thoroughly unpopular, and probably the degree of its unpopularity among the spending departments is the measure of its efficiency.

[Mr. C. Y. Chintamani.]

Coming to the spending departments, I was not in the least surprised, in view of experience of the past, at finding that the very first department to come under censure at the hands of the audit and accounts officers was the Public Works department. The Finance department is not known for any excess of tenderness towards that department when it perpetrates irregularities, and it is therefore not necessary for me to say more than to wish every success to my honourable friend over there in the essential work which he does. But in the Public Works department there is one specific matter relating to the activity of the Irrigation branch to which I am bound to make a reference. I would ask honourable members to turn to page 5 of the tenth report of the Committee on Public Accounts and read sub-paragraph (viii) of paragraph 10 of that report. Here they will find with what slender care the money of the tax-payer has been handled in connexion with one costly scheme. Sub-paragraph (viii) reads as follows:—

"In this case a loss occurred to Government, due to careless preparation of estimates and to defective preliminary investigation. In an Irrigation division, a tank project, the original estimate for which amounted to Rs. 6,58,873, was started in 1913. The work was then suspended owing to the war. The project was revived in 1917 and the revised estimate amounted to Rs. 7,00,520. A further estimate for Rs. 66,654 was sanctioned in February, 1920, for mechanical haulage of earth. The estimate had again to be revised in 1921 owing to the high tenders received for the work and rose to Rs. 15,50,241. At this stage a careful inspection of the work and of the country was made, which showed that the area commanded was practically a barren waste and very thinly populated. Doubts also arose whether the tank would hold the water, as leakage was possible because the rock below the embankment was highly fissured sandstone. The Government then decided to close the estimate, although a sum of Rs. 3½ lakhs had already been expended on earthwork and tools and plant. The Government considered that the estimates had not been prepared with due care and that if the real cost had been known from the first the scheme might never have been undertaken." In the next paragraph on the next page we are told: "The Chief Engineer admitted that these officers did not discover that the catchment area of this tank did not contain sufficient silt, a fact which was only discovered in 1922 and which led to the abandonment of the project, but it was possible that during the nine years that had elapsed between 1913 and 1922 the nature of the soil of the catchment area had changed, and that the silt, that existed in 1913 had been washed away by 1922." Then follows the sentence. "We also understand that both the officers concerned are now dead. In these circumstances we consider that no further action is necessary."

So far as those two officers are concerned, further action is not only not necessary but it is not possible. But in these two paragraphs is a grave warning to the Irrigation department and to other spending departments of the extreme care that should be taken when such large sums are in question. There are various small matters which I had noted for remark. But owing to the courtesy of the Finance Secretary, it was possible for us to have a discussion over those matters, and thanks to the care with which the subject was examined by the Public Accounts Committee and the care, which, I am confident, will be taken by the

Finance department, I feel on second thoughts that it would be rather a waste of the time of the Council if I were to take them through these various matters. I have drawn attention to the gist of those matters and I trust and I am confident that the Public Accounts Committee, which this Council may appoint will, with the co-operation of the Finance department, go into all such matters with equal or even greater care in the future; and I hope the honourable members of the Government, who preside over the spending departments, will see the necessity of their exercising much closer control over the heads of their departments when expenditure is involved, than a perusal of these reports show that they always do. That will be effective co-operation on their part with the Finance department.

Now, as regards my amendment, the first point to which it relates is the purchase of grain for jails. The relative passage of the tenth report is to be found at pages 4 and 5 of the report, sub-paragraph (vi) of paragraph 10. It is this.

"In paragraph 50 of the report the Accountant-General has discussed the system of purchase of grain for consumption in jails. Hitherto it has been usual for each jail to purchase its food requirements locally. In 1922 the Stores Purchase department suggested that they should be in charge of the purchase of grain for jails, but the Government decided against the proposal. At the instance of the Accountant-General the Government re-considered the question and decided to invite tenders--

(a) for a single contract to cover the supply of grain for the entire province,

(b) for three or four contracts, each to cover the entire supply of grain for the jails in a particular block of the province,

(c) for local purchase,

and to accept the lowest tender. The Government have ordered the Inspector-General of Prisons to report what tenders he receives and what tenders he accepts, and how the prices thus agreed upon compare with the prices under the old system. We agree that this system should be tried. We also desire that the Government should report to the Public Accounts Committee the result of its working."

In 1922 when the Government decided against the proposal that the Stores Purchase department should be in charge of the purchase of grain for jails, it should be remembered that that department was in its infancy. It was only brought into existence some time in the year 1921. Rules were, had been, and some still being framed and the whole matter was in an experimental stage. Now, however, there has been several years of experience of the working of the department and from two circumstances I gather that it has worked well. In the first place it was one of the questions referred by the Government to the Burn Committee on industries and contrary to the recommendation of the committee or of a small majority of the committee the Government decided that the department should be kept up. The inference follows that the Government are satisfied that the department has been working to the public advantage. In the second place the reference to the Stores Purchase department in the last annual report of the Director of Industries circulated yesterday in spite of his witty remarks yesterday about brevity—he will excuse me if I complain of the extreme and unreasonable and unsatisfying brevity of the reference to the work of the Stores Purchase department—shows that it has been working with increasing success and I am inclined to think that it will



[Mr. C. Y. Chintamani.]

lead to greater economy if the proposal that was made in 1922 is accepted and carried out at least as a matter of experiment, I think it is likely to be more successful from the point of view of economy than the arrangement which the Public Accounts Committee has approved and therefore I move the first of my amendments.

The second amendment, as you, Sir, have remarked, is of a cognate nature. It relates to paragraph 11 (i) on page 6 of the tenth report. That paragraph states :—

"In paragraph 61 of the Audit Report the Accountant-General suggests that certain articles of stationery, such as rough paper, reeds for pens, dry black ink, and pencils, required for use in the vernacular offices in the Revenue, Judicial, and Police departments, which are purchased from the local markets, should be purchased through the Stationery Office. The Government consulted the Controller of Stationery, who has replied that he does not stock some of the articles and that the cost of such articles as he does stock would generally be higher than the price paid locally. Government have therefore decided not to pursue the matter further. We agree."

Unfortunately I do not agree. If these articles cannot be obtained from the Stationery Office, the satisfactory arrangement would be their purchase through the Stores Purchase department. There might be a good and sufficient reason why stationery in general should be obtained from the Controller of Stationery but where there are articles of stationery which cannot be had from him, it is obvious, when there does exist a Stores Purchase department, that they should be purchased through that department and not in the manner that is proposed in this paragraph. I trust neither the Stores Purchase department nor the consuming departments will have any objection to this proposal if it is accepted by the Government.

**Mr. E. A. H. Blunt :** As regards my honourable friend's opening remarks I do not think that I need say very much. As he pointed out, there is not much that can be done now about the irrigation case that he mentioned. I think we may let the matter rest, especially when we remember that both of those officers who were to blame for this error are now dead. One of them, further, has probably done more for Bundelkhand during the course of his service than any man since the days of Wauchope, who lies buried in the hills round Kalinjar. There is a Latin proverb which says—"Say nothing of the dead but good." So I suggest that in this case we may let the matter rest and allow the department, as the honourable member says, to take this single error of a great man, as a warning.

The control of heads of departments, under the new system that now prevails, is already improving. That new system is specially designed for that purpose. Every head of department now has at his elbow an experienced accounts officer who not only keeps his accounts for him, but sees that he looks into them carefully. He shows him, month by month, how his expenditure is going and warns him when it is likely to exceed his budget grant. He is also there to warn him if he seems likely to do anything which is financially irregular.

In the old system the Accountant-General was supposed to carry out these functions ; but he was only one man, and there are many departments. His headquarters were far away and his advice could only be

obtained by correspondence. These pay and accounts officers, as we call them, are in close personal contact with their controlling officers. In the Police department, for instance, that officer's room is next to that of the Inspector-General. Another advantage of this scheme is that the pay and accounts officers are now beginning to really understand the difficulties of the departments with which they deal; they have begun to find out where the financial shoe pinches; and the result is that we now are getting from accounts and audit officers, a human and a humane criticism of spending officers. That does make a lot of difference. The whole business is now conducted in a friendly spirit. I now occasionally find accounts officers supporting their controlling officers against me. That is all to the good. I am quite capable of fighting my own battle: but controlling officers want support and sympathetic advice in their endeavours to avoid doing the wrong thing.

I now come to the two cases relating to the Stores Purchase department. The first is connected with the purchase of grain for the jails. The position is rather complicated. The old history of 1922 to which my honourable friend refers is really irrelevant, not only for the reason that he mentioned, namely, that the Stores Purchase department was at the time a young department, but also because the decision at that time was to stick to a form of purchase which the Stores Purchase department could not very easily handle, viz., local purchase in small quantities. Since then the procedure has changed. We now buy in bulk, and certainly at first sight it looks as if the Stores Purchase department ought to handle the purchases. But at the same time there are difficulties. When you buy a large quantity of grain from two or three merchants as in this case, they do not collect that grain in one place and then distribute it to the various jails all over the province. They buy various grains in various markets, not only in the United Provinces but in other provinces too. I am well acquainted with the methods of these firms because I had to deal with them very very closely indeed in the old days of the civil supplies. Now the Stores Purchase Officer would have no difficulty whatever in doing what I may call "the donkey work." He could call for tenders: he could consider them and accept one tender; he could issue the necessary contract. But that is only the beginning. After he had done that, he would have also to test the quality of the grain; and to do that he would have to send representatives to possibly fifteen or twenty different markets situated all over this province and very likely also in the Punjab and Bihar and Orissa. Unfortunately this particular transaction would come just when he is most heavily worked, viz., in March, April and May. I have consulted the Stores Purchase Officer on this subject. He tells me that at that time he is doing something like fourteen hours' work a day. He says that it would be quite impossible for him, with his department at its present strength, to take the whole work. But it does not follow that we should not use his advice. And in fact we do. The actual agency by which at present we carry out these transactions is through a committee which consists of the Inspector-General of Prisons, the Director of Agriculture, the Stores Purchase Officer and one or two non-official members of this Council. The honourable member yesterday was very bitter about committees. He appeared to agree with Mr. Gladstone that a committee was a noun of multitude signifying many but not signifying much. But here at all events is a real working committee. You have the Inspector-General of Prisons to tell you what quality of grain is required, you have the Director of Agriculture to say where he can get it;

[Mr. E. A. H. Blunt.]

you have the Stores Purchase Officer to advise you from whom you can best buy; and you have non-officials too to give you the benefit of their general advice. This committee has been responsible for these purchases for the last two years, of which the Stores Purchase Officer is a very important member. Last year, I believe, the Inspector-General of Prisons said that though he was very grateful to the Stores Purchase Officer, he really thought that he could now get on alone, and did not need to worry him any more. But, as a matter of fact, I have the permission of the Hon'ble the Home Member to say that he proposes to reappoint the Stores Purchase Officer to that committee, of course if the Hon'ble Minister for Industries gives his consent. I hope the honourable member will therefore see that we are using the Stores Purchase department in a manner which gives us the benefit of their advice without putting an undue burden on them.

As regards the other matter of country stationery, I do not think that the honourable member quite realizes what a very small matter this really is. It is not such that an officer of the position of the Stores Purchase Officer should handle it. Take, for instance, this *badami* paper. It is used in vernacular offices, mostly in the collectorates. There is a rule which forbids the Collector himself from spending more than Rs. 20 on such stationery at one time. The average annual expenditure in any one office probably does not exceed Rs. 100, and Rs. 5,000 would cover the whole province. In fact the whole thing is so trivial that in most offices, as a matter of convenience the Collector does not buy stationery himself at all, but merely gives eight annas or a rupee monthly to each clerk for this purpose. If this stationery was purchased through the Stores Purchase department we will get very little benefit from the change. They would, of course, place the contract with a single firm and the result would be that this firm would have to deal with monthly indents for very small quantities from at least 100 officers all over the province and the firm would have to send out some 100 small parcels every month. The saving in cost due to dealing wholesale would all be swallowed up in postage, as the Controller of Stationery pointed out when we asked him to supply us. Of course an indenting officer could avoid this difficulty by indenting for a three months' or six months' consignment at a time; but if he did so what would be the result? At the present moment the clerk owns this paper which he has to use for Government purposes and he takes very good care not to waste it. But if he merely had to go to the form-keeper to get it when wanted he would take no care of it, and the result would be waste. We all know the little bits of brown paper that are found in vernacular files. If clerks were allowed to get their paper from a general stock they would use instead of a piece of paper one-fourth that size a full foolscap sheet and thereby there would be a waste of three-fourths of the paper. In fact the answer to the honourable member in the case of jails is that we are actually using the Stores Purchase department though in a manner slightly different from the normal way, and that this matter of country stationery is much too small a thing for the Stores Purchase department to deal with at all.

**Mr. C. Y. Chintamani :** May I reply ?

**The Hon'ble the President :** The honourable move of the amendment has no right of reply.

**The Hon'ble Sir Sam O'Donnell:** I welcome the remarks which the honourable member for Partabgarh made regarding the Finance department. The Finance department has certain duties, certain obligations, imposed upon it and undoubtedly in discharging them it is bound from time to time to run up against the other departments. I think it is going a little too far to say that the measure of efficiency of the Finance department is the measure of its unpopularity. The Finance department does not seek to obstruct and it is constantly assisting other departments. At the same time the Finance department in this province is not an exception to the general rule that Finance departments are not popular. There is inevitably bound occasionally to be a certain amount of resentment on the part of other departments. But I am glad to know that the Finance department in carrying out its duties will always have the support of this Council. As regards the irrigation case, I agree that that was an unfortunate case. When the case came before me in 1923, I came to the conclusion that the estimates had not been prepared with due care and that if the real cost had been known from the first the scheme would never have been undertaken, and that was the view taken by Government. It was, however, a single case, and it must be remembered that these tank projects are not so simple as other projects are. Further, when we embarked on these projects we had very little experience of that kind of work. Still I admit this was an unfortunate case. As regards the use of the Stores Purchase department, Mr. Blunt has explained the position quite clearly. The Stores Purchase department was, I believe, created by the honourable member for Partabgarh some years back; it has done good work and its creator naturally desires to see it expand. However in this particular case I think we had better try the system described in the report. We have strong committee, and we have on that committee the Stores Purchase Officer himself. Let us see how this system works before we decide to adopt any other method.

*The first part of Mr. Chintamani's amendment was put and the House divided as follows:—Ayes, 58; Noes, 23.*

*Ayes.*

Khan Bahadur Mr. Masud-ul-Hasan.  
Babu Ganesh Shankar Vidyarthi.  
Mr. A. P. Dube.  
Pandit Rahas Bihari Tiwari.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
Rai Sahib Lala Jagdish Prasad.  
Ohaudhri Vijai Pal Singh.  
Pandit Nanak Ohand.  
Thakur Manak Singh.  
Thakur Hukum Singh.  
Raja Kushal Pal Singh.  
Lala Nemi Saran.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Pandit Brijnandan Prasad Misra.  
Pandit Bhagwat Narayan Bhargava.  
Rao Udaibir Singh.  
Babu Kishori Prasad.  
Pandit Deota Prasad.  
Babu Shyam Lal.  
Pandit Venkatesh Narayan Tiwari.  
Babu Kavendra Narayan Singh.  
Pandit Shri Sadayatan Pande.  
Thakur Shiva Shankar Singh.  
Rai Bahadur Thakur Hanuman Singh.

Rai Bahadur Babu Abhinandan Prasad.  
Bhaya Hanumat Prasad Singh.  
Pandit Govind Ballabh Pant.  
Pandit Badri Dutt Pande.  
Mr. Mukandi Lal.  
Raja Bahadur Bishwanath Saran Singh.  
Rai Bahadur Babu Mohan Lal.  
Rai Bahadur Pandit Saukata Prasad Bajpai.  
Babu Mahendra Deva Varma alias Lalji.  
Mr. C. Y. Chintamani.  
Mr. Muhammad Abdul Bari.  
Saiyid Tufail Ahmad.  
Khan Bahadur Shaikh Zia-ul-Haq.  
Nawabzada Muhammad Liaquat Ali Khan.  
Hafiz Muhammad Ibrahim.  
Lieut. Khan Bahadur Nawabzada Abdus Sami Khan.  
Shaikh Abdullah.  
Khan Bahadur Hafiz Hidayat Husain.  
Maulvi Saiyid Habib-ullah.  
Khan Bahadur Shah Badre Alam.  
Shaikh Ghulam Husain.  
Dr. Shafa'at Ahmad Khan.  
Khan Bahadur Saiyid Jafar Husain.

*Ayes.*

Khan Bahadur Shaikh Saiyid Muhammad  
alias Maiku Mian.  
Khan Bahadur Hakim Mahbub Ali Khan.  
Khan Bahadur Maulvi Fasih-ud-din.  
Khawaja Khalil Ahmad Shah.  
Raja Saiyid Ahmad Ali Khan Alvi.

Rai Bahadur Lala Mathura Prasad  
Mohrotra.  
Kunwar Bisheshwar Dayal Seth.  
Raja Jagannath Bakhsh Singh.  
Pandit Iqbal Narayan Gurtu.

*Noes.*

The Hon'ble Sir Sam O'Donnell.  
The Hon'ble Rai Rajeshwar Bali.  
The Hon'ble Thakur Rajendra Singh.  
The Hon'ble Nawab Muhammad Yusuf.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Sir Ivo Elliott.  
Mr. P. H. Tillard.  
Mr. H. A. Lane.  
Mr. R. L. Yorke.  
Mr. A. W. Pim.

Mr. A. W. McNair.  
Khan Bahadur Chaudhri Wajid Husain.  
Mr. E. L. Norton.  
Mr. F. F. R. Channer.  
Mr. R. J. S. Dodd.  
Colonel G. Tate.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Mr. E. Ahmad Shah.  
Haji Abdul Qayum.  
Mr. E. M. Souter.

*The second part of Mr. Chintamani's amendment was put and the House divided as follows :—Ayes 57 ; Noes 23.*

*Ayes.*

Khan Bahadur Mr. Masud-ul-Hasan.  
Babu Ganesh Shankar Vidyarthi.  
Mr. A. P. Dube.  
Pandit Rahas Bihari Tiwari.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
Rai Sahib Lala Jagdish Prasad.  
Chaudhri Vijai Pal Singh.  
Pandit Nanak Chand.  
Thakur Manek Singh.  
Thakur Hukum Singh.  
Raja Kushal Pal Singh.  
Lala Nemi Saran.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Pandit Brijnandan Prasad Misra.  
Pandit Bhagwat Narayan Bhargava.  
Rao Udalbir Singh.  
Babu Kishori Prasad.  
Pandit Deota Prasad.  
Babu Shyam Lal.  
Pandit Venkatesh Narayan Tiwari.  
Babu Kavendra Narayan Singh.  
Pandit Shri Sadayatan Pande.  
Thakur Shiva Shankar Singh.  
Rai Bahadur Thakur Hanuman Singh.  
Rai Bahadur Babu Abhinandan Prasad.  
Bhaya Hanumat Prasad Singh.  
Pandit Govind Ballabh Pant.  
Pandit Badri Dutt Pande.

Mr. Mukandi Lal.  
Raja Bahadur Bishwanath Saran Singh.  
Rai Bahadur Babu Mohan Lal.  
Rai Bahadur Pandit Sankata Prasad  
Bajpai.  
Babu Mahendra Deva Varma alias Lalji.  
Mr. C. Y. Chintamani.  
Mr. Muhammad Abdul Bari.  
Saiyid Tufail Ahmad.  
Khan Bahadur Shaikh Zia-ul-Haq.  
Nawabzada Muhammad Liaquat Ali Khan.  
Hafiz Muhammad Ibrahim.  
Lieut. Khan Bahadur Nawabzada Abdus  
Sami Khan.  
Shaikh Abdulla.  
Khan Bahadur Hafiz Hidayat Husain.  
Maulvi Saiyid Habib-ullah.  
Khan Bahadur Shah Padro Alam.  
Shaikh Ghulam Husain.  
Dr. Shafa'at Ahmad Khan.  
Khan Bahadur Saiyid Jafar Husain.  
Khan Bahadur Hakim Mahbub Ali Khan.  
Khan Bahadur Maulvi Fasih-ud-din.  
Khawaja Khalil Ahmad Shah.  
Raja Saiyid Ahmad Ali Khan Alvi.  
Rai Bahadur Lala Mathura Prasad  
Mohrotra.  
Kunwar Bisheshwar Dayal Seth.  
Raja Jagannath Bakhsh Singh.  
Pandit Iqbal Narayan Gurtu.

*Noes.*

The Hon'ble Sir Sam O'Donnell.  
The Hon'ble Lieut. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
The Hon'ble Thakur Rajendra Singh.  
The Hon'ble Nawab Muhammad Yusuf.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Sir Ivo Elliott.  
Mr. P. H. Tillard.  
Mr. R. L. Yorke.

Mr. A. W. Pim.  
Mr. A. W. McNair.  
Khan Bahadur Chaudhri Wajid Husain  
Mr. E. L. Norton.  
Mr. F. F. R. Channer.  
Mr. R. J. S. Dodd.  
Colonel G. Tate.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Mr. E. Ahmad Shah.  
Haji Abdul Qayum.  
Mr. E. M. Souter.

*The report (tenth) of the Committee on Public Accounts relating to the audit report on the accounts of the United Provinces for 1924-25, as amended, was put and adopted.*

## COMMITTEE ON PUBLIC ACCOUNTS—ELEVENTH REPORT.

**The Hon'ble Sir Sam O'Donnell :** I beg to present, Sir, the eleventh report of the Committee on Public Accounts relating to the appropriation report and supplementary audit report on the accounts of the Government of the United Provinces for 1924-25.

**The Hon'ble Sir Sam O'Donnell :** I beg to move, Sir, that the eleventh report of the Committee on Public Accounts relating to the appropriation report and supplementary audit report on the accounts of the Government of the United Provinces for 1924-25 be adopted.

**Dr. Shafa'at Ahmad Khan :** Before this Council accepts the eleventh report of the Public Accounts Committee I should like to refer to certain passages in that report. Some of the honourable members will remember that in the last budget debate in 1926 I referred to certain matters which, in my opinion, required the consideration of the Finance department. I referred, in the first place, to the system, or lack of system, as exhibited in the budgets for 1925, 1926 and 1927.

**The Hon'ble the President :** Does this concern the present report ?

**Dr. Shafa'at Ahmad Khan :** Yes, Sir. I mentioned that the system of showing grants-in-aid to various institutions was not quite proper. I also added that in the case of certain departments, departments of agriculture, education and the industries department, it is the duty of the Government to supply to every member of the Council sufficient and substantial and detailed figures relating to the grants given to various departments and to the various institutions of these departments I may refer here—I may refer the honourable members to the appropriation report supplied for 1924-25. In that report the Accountant-General brings to the notice of the members of the Public Accounts Committee the important fact that the system of grants-in-aid needs and requires considerable and substantial modification. That question was considered by the Public Accounts Committee, I believe, in 1926. And the Committee came to a certain conclusion, as evidenced on page 4 of the report, paragraph 14, where they said : " We agree that it is desirable to imitate the English practice, but the subject is most delicate and difficult and we propose to make recommendations on it at a later date when the Finance department, in consultation with the Director of Audit have evolved a scheme for our consideration." Now, Sir, I should like to ask the Finance department whether the Government have actually carried out the suggestion which was put by the Accountant-General. I should like to ask if in future budgets—if this is not possible this year, next year, we shall get accurate and detailed and relevant particulars relating to the grants-in-aid to various institutions. To institutions in the Education department, in the Agricultural department, and institutions in the department of co-operative credit societies. I may make it clear that I do not, and have never desired that every minute item should be entered. I do not think that it is possible that the details of grants involving sometimes lakhs and lakhs of rupees, amounting in some cases to crores, should be shown in every budget, but I do insist that

[Dr. Shafa'at Ahmad Khan.]

in all cases, important grants, whether recurring, or non-recurring, involving for instance Rs. 25,000 or Rs. 50,000 a year should be shown in every budget.

The second point to which I would like to draw the attention of the Council is the question—

**The Hon'ble the President :** The honourable member should deal with the report as it is presented.

**Dr. Shafa'at Ahmad Khan :** The next point, Sir, is the question of supplementary estimates. The report agrees with the suggestion that I had put forward last year and with the suggestion which the Accountant-General has thrown out in the appropriation report, that the number of supplementary estimates should be reduced as far as possible. The report says that the Finance department will, in future, confine its demands for supplementary grants to reasonable and modest proportions.

The last point to which I would like to refer to the Finance department for information is the question of debt. Some honourable members may remember that I asked the Finance department whether they had any plan for the liquidation of the debt. I gave facts and figures to show that the debt of the province would mount up very high unless provision is made for its payment, immediate payment. I would like to ask the Finance department if they have accepted the suggestion not only put forward by me but also put forward by the Accountant-General. The Secretary in the department last year, did not, I am sorry to say, give a satisfactory reply, but thought that the debt was not very large. He also thought that in some cases there is no need for a sinking fund. But I notice that in paragraph 10 of the report of the Public Accounts Committee in paragraph 35, they agree with the view that an extra seven lakhs will be needed for the purpose of liquidating the debt which amounts to Rs. 1,219 lakhs. I hope, Sir, that the suggestion thrown out by the Accountant-General and emphasized by me last year will be carried out and that at least a sum of seven lakhs will be reserved in future for the liquidation of this debt.

**Pandit Govind Ballabh Pant :** There are one or two points in respect of which I solicit a little light from the Finance department. Firstly, I would refer to paragraph 7 of the appropriation report where the suggestion has been made that the manner in which lump sum grants are appropriated should be shown by means of schedules appended to the report. The nature of such grants may be found in paragraph 9 ; for example, there is the grant of Rs. 30,000 for assistance to indigenous systems of medicine, a grant of one lakh for rural and minor sanitary works and an allotment of Rs. 15,000 at the disposal of the Board of Agriculture. Whether the suggestion has been adopted or whether it has been rejected is not clearly stated anywhere in the report of the Public Accounts Committee. I personally urge upon the Government the advisability of adopting this suggestion. I presume to think that in course of time the amount of such grants is likely to go on increasing and also there will be further allotments for specific purposes. In order to enable the members to keep an eye on the proper distribution of grants it is necessary that full details of the manner in which these grants are distributed should be appended to the appropriation report,

The other point to which I wish to draw the attention of the Finance department is only a matter of explanation and nothing more. I refer to the statement made in paragraph 16 of the report of the Public Accounts Committee where it is said that quasi-commercial accounts will be maintained of agricultural farms. I should like to know whether by the term agricultural farms here the experimental farms are also covered or whether the reference is only to demonstration farms. I do not see any point in keeping quasi-commercial accounts of farms which are admittedly being run at a loss. I also want to know whether agricultural farms would include cattle farms or whether it refers only to demonstration farms or experimental farms. In this connexion I also want to know whether it will be necessary for the Government to employ any additional staff and expert commercial accountants in order to maintain such accounts or whether their present staff will be able to cope with this additional duty. In case they find it necessary to employ additional staff what is it likely to cost them? On the answers to these questions will depend my further suggestion that in case it is not going to cost a considerable amount or in case the present staff is able to cope with the work I would suggest the advisability of the Forest department accounts being run on quasi-commercial basis. In fact I had the temerity of making a suggestion in respect of this matter some time back that it is necessary to maintain accounts on a quasi-commercial basis of certain departments which are said to be of a productive or profitable character.

I will in this connexion refer to another matter which is adverted to in paragraph 45 of the appropriation report. It refers to the joint stock companies, i.e., the Bobbin Company, the Wood Products Company and the Resin Company which are situated at Bareilly and in which the Government has got more than half of the share capital. I should like to know whether the Government has arranged it with these companies that they should supply to the Government the annual reports whether they will be placed on the table of this House or appended either to the budget or to the appropriation report, so that we may be in a position to know exactly how those concerns are being run and whether the Government has got full value for its investments. These are the minor points which do not affect the body of the report and I would invite the attention of the Hon'ble the Finance Member to them. In closing I should congratulate them on the way in which they have maintained these formal accounts.

**Mr. C. Y. Chintamani :** I desire to call attention to paragraph 16 of the eleventh report, which relates to trading accounts. We are told here that in England the Treasury insists that commercial departments should render certain accounts in respect of their commercial activities, and the Committee on Public Accounts agree with the Finance department that, as a commencement, such accounts should be attached to appropriation reports in respect only of the following :—

- (1) Patwa Dangar Dépôt.
- (2) Agricultural farms.
- (3) Government Press.
- (4) Jail manufactures.

I suggest that the same system should be followed in respect of gardens and the trading accounts of industrial schools in the province. The Council will remember how keen was its anxiety that the financial position of the gardens should be improved, and that the net loss of the tax-payer



[Mr. C. Y. Chintamani.]

should be reduced considerably. The Council will recollect what arrangements were made by the Government in the year 1922 in order to satisfy this legitimate demand of the Council to improve the financial position of the public gardens. I think it is right that an account of their financial position should be appended to the appropriation report, just as it has been suggested in the case of the four other things. I hope the system of trading accounts in connexion with industrial schools is still maintained. That arrangement has been of great educative value. It has also been a source of great convenience to the public, but there is no purpose in Government giving advances to schools in order that work might be done for the public unless it is at the same time commercially profitable. For this reason I think that it is a legitimate subject to be brought under this head.

Only one more point I wish to address myself to. It is that in the presentation of the budgets of the Public Works department there should be two separate demands for grants, one for establishment and one for works. It is necessary for the Council to watch with a keen eye the ratio of establishment charges to the cost of the works year by year so that too much may not be spent upon establishment. The suggestion made in this report that that should be done is, I think, very wholesome, and I hope it will be adopted.

**Mr. E. A. H. Blunt:** It is pleasant to find that honourable members are showing a disposition to take interest in appropriation reports. I can only remember one previous occasion of the kind, when you, Sir, were the protagonist.

I will now deal with the various points made as they arose: if I omit any, I hope I shall be reminded by the honourable members concerned. But there is one point which I should like at the outset to make clear, because I am not sure that the Council has grasped it. In making proposals about what should appear in the appropriation report, honourable members should remember that this report is prepared by the Director of Audit, and that we have no power to compel him to put anything into it, though I have no doubt that he will do his best to meet the wishes not only of the Finance department but also of the Council.

As regards grants-in-aid the honourable doctor referred to paragraph 14. The Finance department intend, in consultation with the Director of Audit, to evolve a scheme for the Public Accounts relating to the manner in which grants-in-aid are to be handled *in the appropriation report*: but I think he was thinking mainly of the way in which the grants-in-aid should be handled in the *budget*. That, of course, is another matter. But if we give the details that he wants, as we certainly shall, in the appropriation report, we shall certainly have to give the same details in the budget. I may say that that scheme is at the present moment on my table.

As regards supplementary estimates the whole position is this. Occasions do occur and always will occur during the course of the year, when we must have more money. Under the old system it was very difficult to manage supplementary estimates. Departments told us that they wanted more money, but they could not tell us whether they had savings under other heads of their grants for the purpose of reappropriation. The result was that we asked the Council again and again to give us supplementary grants which proved in the end to be quite unnecessary, because the

departments had already sufficient money to cover the new expenditure. We are now able to avoid that. During the course of the year we intend to place before the Council only token demands in cases where demands must come before the Council because the sanction of the Council is required to the expenditure. Then if we find at the end of the year, that in the demand as a whole there is likely to be an excess, we shall come to the Council for a substantive additional grant in the shape of a single supplementary estimate relating to the grant as a whole.

The debt is a large question to handle here. I think that I must ask the honourable member to forgive us if I refuse to commit myself now. The whole matter will be fully discussed when the budget comes up before the Council.

I now come to the remarks of the honourable member for Naini Tal. The expenditure against all lump sum grants will be shown in detail in the appropriation accounts: but it cannot, of course, be shown in the budget. In fact we make a grant in a lump sum merely because we do not know how it is going to be spent. It is only after the money is spent that we can give an account in detail.

As regards showing the accounts of experimental agricultural farms, we have not yet thought out the details, but our present intention is to give accounts of all of them. If experimental farms are usually conducted at a loss, there is no reason why Council should not know the extent of the loss involved. A cattle farm, so far as we are concerned, is only one kind of farm.

As regards the commercialization of forest accounts, that is a large question, which we have been considering for some time. In some respects the accounts are being commercialized. The trouble is that it is only a semi-commercial department, and it is very difficult to prepare a suitable form of accounts. And it would be quite impossible to get a balance sheet. Nobody, for instance, could give us a valuation of our forests to show as an asset.

We have said in this report that we consider that the appropriation report should discuss the accounts of the two concerns at Clutterbuckganj. It is quite obvious that if the Director of Audit is going to discuss the accounts in the appropriation reports he must have the accounts before him. These accounts have been received in the Administration department and copies can be sent to him.

The honourable member for Partabgarh referred to gardens and trading accounts in industrial schools. What we have put down here in this report is only a beginning. We certainly shall, possibly a year later, include these accounts. It is only a question of how much we can do in a given time; and it is a business to arrange to get these accounts. That is the only reason why we suggest starting with comparatively few.

As regards the sub-division of the Public Works department demand into Establishment and Works, that has already been done last year, in the case of the Buildings and Roads; and it will be done again this year. As regards Irrigation it is not an easy job to separate Establishment from Works. We have yet to decide a suitable form for the purpose, because Irrigation establishment has to be debited to three or four different heads. We have not yet succeeded in solving the problem, but we hope to do so soon.

*The motion that the eleventh report of the Committee on Public Accounts relating to the appropriation report and supplementary audit report on the accounts of the Government of the United Provinces for 1924-25, be adopted, was put and agreed to.*

## DEMANDS FOR EXCESS GRANTS FOR THE FINANCIAL YEAR 1924-25.

**The Hon'ble Sir Sam O'Donnell :** I beg to report to the Council the recommendation of His Excellency the Governor that under the head "24—Administration of Justice" an excess grant of Rs. 18,351 be made and move that this amount be voted.

*The demand was put and voted.*

**The Hon'ble Sir Sam O'Donnell :** I beg to report to the Council the recommendation of His Excellency the Governor that under the head "31—Education" an excess grant of Rs. 56 be made and move that this sum be voted.

I also beg to report to the Council the recommendation of His Excellency the Governor that under the head "32—Medical" an excess grant of Rs. 35,912 be made and move that this sum be voted.

I also beg to report to the Council the recommendation of His Excellency the Governor that under the head "33—Public Health" an excess grant of Rs. 2,49,466 be made and move that this sum be voted.

I also beg to report to the Council the recommendation of His Excellency the Governor that under the head "45—Superannuation allowances and pensions" an excess grant of Rs. 64,708 be made and move that this sum be voted.

I further beg to report to the Council the recommendation of His Excellency the Governor that under the head "46—Stationery and Printing" an excess grant of Rs. 3,474 be made and move that this sum be voted.

Lastly, I beg to report to the Council the recommendation of His Excellency the Governor that under the head "19—Interest on debt" an excess grant of Rs. 8,441 be made and move that this sum be voted.

*The demands were put and voted.*

## SUPPLEMENTARY ESTIMATES.

### Demand No. 1.

#### HEAD 24—ADMINISTRATION OF JUSTICE.

**The Hon'ble Sir Sam O'Donnell :** I beg to report to the Council the recommendation of His Excellency the Governor that under the head "24—Administration of Justice" a sum of Rs. 84,696 be provided and move that this sum be voted.

**Pandit Bhagwat Narayan Bhargava :** I move that the demand under sub-head "Law Officers' allowances" in head "Administration of Justice" be omitted. The demand is for Rs. 84,696, but in fact the largest amount which is required under this head concerns law officers' allowances. It is Rs. 1,61,997. Sir, in the budget estimates for the year 1926-27 for law officers a sum of Rs. 3,12,800 was provided. Now the Government wants to spend on this sub-head Rs. 1,61,997 more making a total of Rs. 4,74,797. Honourable members should not presume that because a supplementary estimate has been presented, the demand is actually needed to the extent to which it has been presented to the Council. Occasions have not been rare when unnecessary supplementary estimates have been presented to the Council and grants have been obtained, though that expenditure could have been met from the original

grants. In the year 1924-25 such unnecessary supplementary estimates were obtained to the extent of Rs. 1,37,185, though that amount could have been met from the original grants. I am speaking this on the authority of the Government reports themselves which were given to us in connexion with the Public Accounts Committee. I think that the Government in this connexion will say that the supplementary grants which have been characterized as unnecessary were presented within the first six months of the year, but there too the Government will find that all of those supplementary estimates were not presented within the first six months, but even after six months and even at about the close of the year. So I submit that it should not be presumed that all these sums will necessarily be required by the Government. Then, Sir, I know that large sums of money have been spent on the Kakori case and the Maulviganj murder case. But, Sir, the Kakori case had been before the court for some months when the budget for the year 1926-27 came before the House. In that case I think the Government was in a position to estimate the expenditure which would have to be incurred during the current financial year and that was why the Government made a provision much in excess of what they made in the year 1925-26. Then, Sir, the detailed facts are not before us here so that we may be able to know as to how much money has already been spent on the Kakori case and how much money has still to be paid to the counsel engaged in the Kakori case and the other murder case. Certain gang and communal riot cases have been referred to on page 4 of the supplementary estimates in paragraph 1. But for them too we have not got any detailed information as to how much money has yet to be spent on those cases. It has been said in that very paragraph that the policy of engaging Government pleaders in big cases instead of special counsel would have curtailed expenditure on special counsel, but for the charges incurred on those two cases referred to by me. It seems, Sir, that in these two cases there must have been an expenditure of over two lakhs. I would like the Government to satisfy the Council whether it is in fact incurring so much expenditure on these two cases and whether there are still reasons to believe that it will have to spend so much amount.

**Mr. E. L. Norton :** I think I should perhaps give the House the details which the honourable mover has asked for. The total expenditure on special counsel for the Kakori case up to date since April 1, 1926, has been Rs. 1,06,775 and the only other fees paid to special counsel during the year have been in three or four small cases. I could give the details if anybody is interested in hearing them, but as the amount is small, I think it unnecessary. It was about Rs. 3,000; and also in these cases the rates paid were very little more than those paid to Government pleaders for the same kind of work. In the Maulviganj case the special counsel has not yet submitted his bills; so there is nothing included in the demand on that account. Therefore it is clear that the demand for special counsel is practically all on account of the Kakori case, and as I understand from looking at the proceedings of this House that the employment of the particular gentleman, who is employed in that case, was sanctioned by the opinion of the Council at the time, I trust the amount relating to him will not be opposed.

There has been practically no expenditure on special counsel this year except on the Kakori case and this is in conformity with the view of this

[Mr. E. L. Norton].

House that special counsel should be employed as little as possible when Government pleaders are available. This policy, of course, has increased the work of Government pleaders; hence the increase in the amount which has to be paid to them by way of fees. As to the other ways in which the work of Government pleaders has increased this year, I think the gang cases have been mainly responsible for it. There have been ten gang cases and some of these are still under trial. There are two at Naini Tal and Haldwani. There are two at Saharanpur, one of which lasted for about 100 hearings, and the other has been going on for about three months. There are two at Fyzabad, two at Mainpuri, one at Hardoi and one at Gonda. As a matter of fact, it seems to me, that so long as Mr. Young goes on catching dacoits, it will be necessary to pay Government pleaders to prosecute them and that, of course, involves the appointment of acting Government pleaders and additional Government pleaders in most of these districts to do the work of the Government pleaders. Then there are the Jhusi and Daraganj riot cases—which, of course, complicated things still further—in the Allahabad district. All these cases are being conducted by Government pleaders. I do not think there is anything further that I need say.

**Lala Nemi Saran :** I tried to follow the Hon'ble Legal Remembrancer and I wanted to read in his speech the answers to the questions put by the honourable mover of this motion, but I failed. The first question which the honourable mover asked was whether the Government had not in mind the expenditure that had to be incurred in connexion with this Kakori trial at the time when the budget was framed for the year 1926-27. The Kakori case was pending in the court when the budget was presented to this House and a specific provision was made therein in excess of the grant under this head which was passed for the budget of 1925-26. The point is that the Government knew that special counsel was being engaged for that purpose and that his fee had been fixed at a certain amount. Did or did not the Government know and calculate his fees at that time? The second point is that Mr. Norton has just said that no expenditure regarding the Maulviganj riot case has been included in the supplementary estimate. In this supplementary estimate there is no provision for the Maulviganj murder case, that is what Mr. Norton has said. As far as I can see from page 4 of the statement supplied to us by the Government, it is said that "Ordinarily this policy would have curtailed expenditure on special counsel; but the charges on such counsel will be much in excess of the budget allotment owing to the fees for counsel engaged in the Kakori and Maulviganj murder cases." The first thing which I take from this statement is that, but for these two cases, the budget which was passed for 1926-27 would have been more than sufficient to cover the charges of law officers. Regarding these two cases the Legal Remembrancer says that not a pie out of this supplementary demand is going to be utilized for the Maulviganj murder case and the only plea for the supplementary estimate is the Kakori case. Then, again, the question comes up whether this Kakori case is a case in which the Government could not calculate the fees which were to be paid to counsel engaged at the time when the budget was presented to us in March last or is there any other counsel who has been engaged for the Kakori case or for the defence of the accused or for some other purpose which was not in the mind of the Government at the time the budget was introduced in this House. That has got to be made clear before we can make up our mind whether we should vote for it or not.

**Mr. E. A. H. Blunt:** It is not very easy to say what was in the mind of the Government at the time they framed the last budget. But I can say that it was not in their mind at that time, that the Kakori case would last for over a year.

Another point that I should like to take in reply to the honourable member is that the Council made a cut in this provision last year—only a matter of Rs. 5,000, but still enough to upset anybody's calculation.

The next point is the Maulviganj case. Mr. Norton merely said that no bill has been submitted yet. It does not, therefore, follow that bills are not going to be submitted; and there is still plenty time for it in the next two months.

Apart from the Kakori and the Maulviganj cases, there is the fact that Government pleaders in pursuance of the desire of the Council are being retained in important cases, namely, some ten gang cases, and are getting higher fees. That is probably as large an item as the item for special counsel.

As for the figure, I can tell the honourable member that up to the end of November under this head a sum of 3,12, had been spent as against the budget provision of only 3,38. In other words for the last four months of the year there was only Rs. 24,000 left, whilst expenditure has been going on at the rate of nearly Rs. 40,000 a month. There is not enough money left; and if this motion is allowed, the result will be that your Government pleaders will have to go without their fees.

**Mr. A. P. Dube:** I take it that the Kakori case is an ordinary case under section 302, Indian Penal Code. The only difference between such a case and other cases that usually arise is probably that there is a charge under section 124A or something of that sort. To engage special counsel for such a case the . . .

**The Hon'ble the President:** It is an old story.

**Mr. A. P. Dube:** That is over a year.

**The Hon'ble the President:** It is too late in the day to object to it.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan:** As explained at page 4 of the supplementary estimates, the excess is due to very many causes. One of them is the Kakori dacoity. We had not the slightest idea that the case was going to be prolonged for such a long time. Then it is also due to many gang cases. As was mentioned by the Legal Remembrancer, we have got special dacoity police, and I think the honourable members should be pleased that from time to time Mr. Young is catching hold of the dacoits. When caught, they are prosecuted and sent to jail and the extra expenditure in connexion with the prosecution must be borne by the Provincial Exchequer.

Then we had no idea that there will be communal riots: it is a misfortune, but it is there. For instance, at the time of the budget we had not the slightest idea that we were going to have any riot like the Jhusi riot or other communal riots. It is due to the cumulative effect of so very many things that there is an excess in the expenditure under this head and that is the reason why we have come before the House to allot us more money for the remaining months of the year.

**Mr. A. P. Dube:** The Jhusi riot case was conducted by the Government pleader.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Yes.

**Pandit Bhagwat Narayan Bhargava :** If I understood Mr. Blunt rightly, I think he was saying that there has practically been no difference in expenditure because the Government pleaders were engaged in place of special counsel. If there had been no such difference, there was no necessity for the Government to say in the memorandum that ordinarily this policy would have curtailed expenditure except on account of these Kakori and Maulviganj cases.

My friend Mr. Norton said that Rs. 1,06,000 had already been spent on these cases. Even if that amount has been spent—and as I understand Rs. 500 a day is being paid to the counsel in the Kakori case—I do not think so much money will be required for the rest of the year. After the omission of the demand for Rs. 84,696 I find that still Rs. 77,301 will be left for law officers. There is also some surplus out of the original grant as I infer from the speech of Mr. Blunt.

I, therefore, press my motion.

*The motion was put and negatived.*

*The demand, as framed, was put and voted.*

### Demand No. 2.

#### HEAD 41—CIVIL WORKS (WORKS OUTLAY).

**The Hon'ble Sir Sam O'Donnell :** I beg to report to the Council the recommendation of His Excellency the Governor that under head of account "41—Civil Works (Works Outlay)" a sum of Rs. 10 be provided and move that this sum be voted.

*The demand was put and voted.*

### Demand No. 3.

#### HEAD 25—JAILS AND CONVICT SETTLEMENTS.

**The Hon'ble Sir Sam O'Donnell :** I beg to report to the Council the recommendation of His Excellency the Governor that under head of account "25—Jails and convict settlements" a sum of Rs. 2,31,683 be provided and move that this sum be voted.

**Pandit Bhagwat Narayan Bhargava :** I beg to move that the demand under the head 25—Jails and convict settlements be reduced by Rs. 1,00,000 in respect of dietary charges. I find from the supplementary estimates supplied to us that for dietary charges in jails Government anticipates an expenditure of Rs. 3,51,000 and I am proposing a cut of only Rs. 1,00,000. The reason given for the increase in expenditure on dietary charges is accounted for by a higher average jail population than was expected when the budget was framed. Well, Sir, I am not in possession of the total number of jail population on December 31, 1926, or at a later date, but I think that the number could not have been larger than it was in the year 1922-23 when on account of non-co-operation movement the jails were filled up by non-co-operators. During that year, that is 1922-23, there were 34,071 prisoners admitted into jails and we have also to remember the fact that during that year several prisoners were given special treatment in jail and special sort of comforts were provided for them and special kind of food was given to them, and if the expenditure was high during that year then it was on account of that also. In that year the expenditure

was about Rs. 16,00,000 and in this year the Government wants about Rs. 14,00,000. Unless I know that the number of prisoners exceeds even that of those during the non-co-operation days I do not think there would be any reason for supposing that very much more money will be required for the diet of these prisoners. The figures of expenditure which I have given refer only to prisoners of central jails, district jails and lock-ups—I have not included the juvenile jails. Then, Sir, there is another reason why I propose this cut, and it is this: The expenditure on the diet of Indian prisoners is, I think, in a way insulting in comparison to that incurred on the European prisoners. The treatment specially relating to diet which is given to Indian prisoners simply because they are Indians is creating resentment amongst us. Even the ordinary diet prescribed by the Government rules is not given to prisoners. In this, of course, we know that everywhere corruption prevails and prisoners resort to corruption when the prescribed food is not given to them. I may state for the information of the Hon'ble the Home Member an instance about Naini jail, and I have put certain questions about it, and I would read to him a letter of my friend residing in Naini about the diet which is given in that jail. I will read his very letter—it is written in Hindi. (Letter read.) So my submission is that even the ordinary diet which is prescribed by rules is not given to these prisoners. Then, Sir, on account of this unsuitable diet to Indian prisoners people have to go on hunger-strike and suffer much hardship. I have in mind the case of Damodar Swarup.

**The Hon'ble the President:** The honourable member is side-tracking the debate.

**Pandit Bhagwat Narayan Bhargava:** As suitable diet is not provided to Indian prisoners, I have proposed that the amount should not be voted which is asked for now. It was owing to this want of proper food that Damodar Swarup had to go on hunger-strike, and he was not treated properly. With these remarks I close my speech.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan:** The excess grant under this head is asked for for two reasons. Last year our demand was cut down by the Finance department as the jail population in 1925 was high and it was naturally expected that it would go down. Instead of going down we had an increase of 1,560 prisoners as an average per month over 1925. We did not expect this, and that is one of the reasons why we have come now for this extra amount. The average cost of a prisoner is estimated to be Rs. 47 per annum, and according to that even last year we ought to have been given Rs. 14,38,000, but, as I said, we were expecting that the number will go down and, therefore, we budgeted only for Rs. 10,42,000. We do not want to over-budget in any department. It is much better to come and ask for money by supplementary estimate than to take the other course of over-budgeting, and that was the reason why we did not budget the whole amount.

As to the question raised by my friend the mover about the diet given in the Naini jail this has been brought to my notice for the first time, and I would like him to let me have his complaints and I will make inquiries about it.

**Lala Nemi Saran:** I unfortunately have not studied the figures, but what I have heard from the honourable mover is that his complaint is that the money allotted by this Council for the year 1921-22 and 1923, when



[Lala Nemi Saran.]

the jail population was very great, for the dietary of the prisoners, was not so much as the Government now demands from the Council. I want to know whether this is a fact or not?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** It is not a fact. In 1922 the jail population was 26,800, in 1923 it was 28,000 and now in 1925 it was 30,600—so it is not a fact.

**Lala Nemi Saran :** As far as the figures are concerned I shall leave the Hon'ble the Home Member and the honourable member for Jhansi to settle between themselves. But, as far as the question is concerned, I want to make a few remarks. This is a supplementary estimate for dietary of prisoners, and I think I am entitled to draw the attention of Government towards those incidents which have happened since the passing of the last budget up to now, regarding the question of dietary. I think, Sir, that the Government is well aware that the public mind was agitated over the question of the hunger-strike in the jail by some persons who are accused in the Kakori trial. There were certain questions put to the Government yesterday and the day before regarding the specific case of Damodar Swarup. The Hon'ble the Home Member admitted in that case that the health of this prisoner had gone down very much during the time he was in jail. Sir, we do not know what really happened inside the jail. As one member had once said that the inside of a jail is a mystery, so we want to peep into that mystery. I would like the Hon'ble the Home Member to make a statement regarding the question whether Damodar Swarup wanted a certain sort of dietary in the jail so as to suit his illness and it was disallowed to him. Whether it is a fact that Damodar Swarup in jail when he asked for certain medicines which he wanted for his own treatment these were refused to him.

**The Hon'ble the President :** I have already said that this personal matter is side-tracking the discussion. The question of medicines to a certain individual is not relevant.

**Lala Nemi Saran :** May I know whether I would be in order if I spoke of dietary?

**The Hon'ble the President :** Certainly.

**Lala Nemi Saran :** I bow to your ruling. I only want to know from the Hon'ble the Home Member whether it is a fact or not that it was due to the trouble regarding quality of dietary and to the fact that the food given to the prisoner was not in consonance with his wishes that he went on hunger-strike. I will draw the attention of the House to the fact that we members on these benches brought to the notice of the benches opposite the fact that the people inside the jails were dissatisfied with the general condition of the dietary given to them, and we also brought a specific question of the Kakori under-trials to the notice of the Hon'ble the Home Member. My only point in rising today is to find out whether it is not due to some mistake or oversight on the part of the Government that these Kakori under-trials were forced to go on hunger-strike, and whether it is not due to bad dietary given in jails that Damodar Swarup had to suffer much of the troubles in the jail. My second question is whether the Hon'ble the Home Member is aware of the fact that there is a general complaint regarding specially the vegetables produced in the jail gardens, and it

is that these vegetables are not given to the prisoners but form part of the *dalis* presented or sent to the jail officials and perhaps other officers outside the jails. These are the questions I want the Hon'ble the Home Member to specifically answer in connexion with this motion.

**Babu Bhagwati Sahai Bedar :** I had been an inmate of three or four jails and therefore I will be speaking from my own experience. The only thing I object to regarding diet is the *juar* diet. *Juar* is not suitable to any individual in any climate in the manner it is given as a diet in prison. People do eat it outside, but they bake in a different manner and hence in jails when *juar* is given to prisoners they suffer from dysentery and other diseases. Moreover, the preparation of bread out of *juar* does not admit of the bread coming out of the kitchen oven. What to say of distribution to person who receives the loaves all in pieces. I had visited two or three jails and I have heard this complaint about *juar*. I have personally seen these loaves too. When I was in jail, there was no *juar*; wheat and gram mixed together were given to the prisoners. We have been pressing this question for a long time; and I shall press this question so long as the honourable member does not exclude this particular grain from the dietary of the prisoners.

**Pandit Bhagwat Narayan Bhargava :** At the very outset I wish to say that the figures given by the Hon'ble the Home Member were not correct. The figures which I gave were from the report on the condition and management of jails for the year ending December 31, 1924.

**The Hon'ble the President :** Will the honourable member speak up?

**Pandit Bhagwat Narayan Bhargava :** I am sorry, I am suffering from cold, Sir. My friend Lala Nemi Saran has challenged the figures for the year 1922 when non-co-operation was at its height. The Hon'ble the Home Member was pleased to say that the number was about 29,000, but I would inform him that the number was 34,071 in 1922.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Where does he get the figures from?

**The Hon'ble the President :** The Hon'ble the Home Member will have a right of reply.

**Pandit Bhagwat Narayan Bhargava :** I am quoting it from the report on the condition and management of jails for the year ending December 31, 1924.

**The Hon'ble the President :** Will the honourable member say from which book he is quoting?

**Pandit Bhagwat Narayan Bhargava :** This is the general administration report of the Government for 1924-25 and this is from an extract from the report on the condition and management of jails for the year ending December 31, 1924.

The second thing I want to mention in reply to the Hon'ble the Home Member is this. The Hon'ble the Home Member said that they provided in the budget for the current year a sum of Rs. 10,15,000. If my motion is carried it will give him a sum of two lakhs more for the rest of the year, and that sum, I think, will be sufficient to meet the dietary charges for the

[Pandit Bhagwat Narayan Bhargava.]

rest of the year. Even in the year 1923-24 when the number of prisoners had not decreased the provision was Rs. 12,10,000, and if this cut of one lakh is made there will still be in the hands of Government more than Rs. 12 lakhs for this year as well.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I quoted my figures from the annual administration reports. Here it is given that in 1922 the jail population was 26,778; in 1923 it was 27,949. Besides this, there is another thing which should be taken into consideration. In those years the expenditure on dietary was Rs. 17½ lakhs, and in the budget for the current year it is given as Rs. 10,42,000. Now we are asking for something more; and even with this the figure will not reach Rs. 17½ lakhs.

As to the question raised by my friend from Bijnor about Seth Damodar Swarup, my information had been all along that Seth Damodar Swarup was in hospital most of the time and there, instead of taking the ordinary diet of the jail, he was given diet according to the wishes of the superintendent or the civil surgeon in whose charge he was in jail. I know that in Dehra Dun jail and in Bareilly jail he used to get fruits and juice of fruits. Further, I do not think, that his health has got anything to do with our jail diet. He was mostly on hunger-strike and afterwards he was in hospital. As to the question whether this diet is, or is not suitable for the prisoners, I have only to say that our health record in jails is better than in other provinces. This is a great proof in its favour and whatever complaints can be made against it the jail diet is not an unhealthy diet.

Coming to the question of Kakori dacoity prisoners, their position was this: they were under-trials; they were not convicts. They enjoy the rights and privileges of under-trials. Among the rights and privileges of under-trials there is one privilege and it is that they can always supplement their food from outside, i.e. they can get their food from outside. For this reason it was open to them to get any sort of food they like. We treated them as under-trials. They were not treated as convicts.

**Babu Bhagwati Sahai Bedar :** What about *juar* diet?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** *Juar* diet has been introduced in our jails and I know it is not very tasteful. But as far as the health of the prisoners is concerned, we have not noticed any deterioration. Still this matter will be considered later on and I cannot give any definite reply about the change of diet at this moment.

**Babu Bhagwati Sahai Bedar :** I want to know, . . .

**The Hon'ble the President :** The debate is over and now what is the honourable member's point?

**Babu Bhagwati Sahai Bedar :** I wanted to put a question. What will be the additional cost of diet of the prisoners if *juar* is excluded?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I do not think it is possible for anybody to say just now what will be the additional cost of different diets.

*The motion was put and negatived.*

*The demand as framed was put and voted.*

**Demand No. 4.**

HEAD 55.—IRRIGATION OUTLAY NOT MET FROM REVENUE.

**The Hon'ble Sir Sam O'Donnell:** I beg to report to the Council the recommendation of His Excellency the Governor that under the head Irrigation outlay not met from revenue a sum of Rs. 20,50,515 be provided and move that this sum be voted.

*The demand was put and voted.*

**Demand No. 5.**

HEAD 22.—GENERAL ADMINISTRATION.

**The Hon'ble Sir Sam O'Donnell:** I beg to report to the Council the recommendation of His Excellency the Governor that under the head General Administration a sum of Rs. 10 be provided and move that this sum be voted.

*The demand was put and voted.*

**The Hon'ble the President:** We shall now meet at 4 p. m. The Council is adjourned.

**DISCUSSION ON MOTION FOR ADJOURNMENT.**

**Mr. C. Y. Chintamani:** I move that the Council be adjourned. The reason for this motion, as I stated in the notice submitted to you earlier in the day, is the unsatisfactoriness of the answers given by the Hon'ble the Home Member to the questions that were put in the first instance by myself and later in the process of supplementary questions by other members with regard to a passage in a publication by Sir Cecil Walsh, a Judge of the High Court, now Acting Chief Justice. This passage, which I quoted in the original question to the Hon'ble the Home Member reads thus:—"I have been shocked by the number of cases of deliberate rascality both in the provincial judicial services and at the Bar." In my original question I inquired from the Government what protection they would give not only to the officers of that service but also to the members of the Bar referred to here.

I propose now to confine myself to the provincial judicial service. I do so because in the first place the subsequent passages in the book, to which the attention of the Council has been drawn by the Hon'ble the Home Member, may be cited to constitute in some certain measures a mitigation of the condemnation passed upon the members of the Bar in what I consider to be the offending sentence. I do so also for a second reason, namely, that the members of the Bar are independent men and it may be said that a particular obligation does not rest upon the Government with regard to them. The Hon'ble the Home Member in his reply to the original question stated that the quotation should be read in its context. It is followed by this sentence:—"There are black sheep in every fold, and there are rogues in every profession. They do not represent the bulk, nor does their conduct discredit any one but themselves." Sir, as I pointed out, this sentence does not literally follow the sentence of condemnation, but there is an intervening sentence, and it is relevant as

[Mr. C. Y. Chintamani,]

well as important that we should bear in mind the contents of the intervening sentence in order clearly to understand the meaning of the offending sentence in the context. Therefore, following the lead given in the answer of the Hon'ble the Home Member, I drew attention then, and I draw attention now, to that intervening sentence. It is: "I have also been saddened by the number of practitioners who do not hesitate to argue what I am sure they must know to be nonsense; who shrink from admitting points which are absolutely clear, because they tell against them; who cite irrelevant cases; and who dwell on side issues which have not been decided against them; but which are unavailing to get rid of the fatal points which has". I am not here concerned to know whether the members of the Bar as a whole, do or do not deserve this high compliment paid to their professional skill and their professional integrity. There are many members of the Bar inside this Chamber, and if they want to say anything on this reference to them they will be welcome to do so. I am here concerned only to point out that the mitigation that is found in the sentence quoted by the Hon'ble the Home Member applies to the members of the Bar and not to the members of the service, because that sentence follows this long sentence relating exclusively to the members of the Bar which I have quoted. Supplementing the printed answer the Hon'ble the Home Member drew the attention of the Council to the sentence that followed this sentence printed here and that sentence is:—"I would not be thought to entertain a doubt about the ability, the honour and integrity of *the majority of those who practice in the High Court.*" This sentence too does not support the point taken by the Hon'ble the Home Member—the point that there is a mitigation so far as the service is concerned. Dissatisfied with this answer to the original question I asked:—"Do the Government approve of the opinion of the deliberate rascality of the Provincial Judicial Service expressed here?" The reply was:—"The Government are not prepared to express any opinion, as we think that this was not written by him in his official capacity." When I failed to obtain from the Government an expression of disapproval of the opinion of the author of this book uttered in the sentence, I descended a step in the hope that the Hon'ble the Home Member might find it easier to give at least some qualified satisfaction and therefore I asked:—"Do the Government share the opinion of the author of the book about the quality of the Provincial Judicial Service?" But my hope was doomed to disappointment, for the answer was:—"Government need not express anything, because we do not think that there is any reflection on the whole service as such". Other questions followed and then I asked, descending one step still further:—"Will the Government be pleased to ask the author of the book to expunge this reference to the Provincial Judicial Service from the book?" The answer was:—"I do not think that we can do anything in this matter." Proceeding, the Hon'ble the Home Member was asked whether the service should expect anything from the Government in the way of the satisfaction of its self-respect. The answer was:—"The Government is ready to protect their self-respect, but they do not regard that their self-respect is affected." The Council will, no doubt, notice that the Hon'ble the Home Member, speaking on behalf of the Governor in Council and I hope not of the entire Government, did not think that the epithet "deliberate rascality" was at all compromising to the self-respect of the United Provinces Judicial Service.

My friend behind me asked:—"Is the Government of opinion that the charge of rascality is nothing against their self-respect." The answer was:—"If there is any, it is not against the whole service". Further on the Hon'ble the Home Member said that in the past there were some cases where men were removed from service. The question about the number of persons who had to be removed from service, I presume for deliberate rascality, failed to elicit from the Government the information that was asked for. Lastly, the Government were asked whether they would at least forward copies of these questions and answers to the author of the book. This question was put by my honourable friend sitting on my right, the member for Cawnpore, Khan Bahadur Hafiz Hidayat Husain. They were not prepared to take that course. A perusal of the supplementary questions and answers would show that every attempt was made by us on this side to enable the Hon'ble the Home Member to make some statement, to give some reply, which, if it had been even fractionally satisfactory from the point of view which we naturally took, would have enabled us to drop the matter there. If the Hon'ble the Home Member had been prepared to say that the Government did not share the opinion of the author or if he had been prepared to ask the author to expunge that sentence from the book or even if he had been prepared to agree to forward these questions and answers to the author, then there would have been no occasion for us to meet at this hour. A vague point was made in the course of the answers that the reflection was not upon the service as a whole. Later, a pointed reference was made from the other side to the necessity that arose for the removal of certain officers from the service. I have obtained in the interval figures of the cadre of the Provincial Judicial Service. Beginning with officiating munsifs and going right up to district and sessions judges, there are in the United Provinces 266 officers of the Provincial Judicial Service. Excluding two who are judges of the High Court at Allahabad and the Chief Court at Lucknow, there are 264 officers. The process of compulsory resignation of certain members of the Provincial Judicial Service began in the year 1920, Sir Grimwood Mears took charge of the office of Chief Justice late in the year 1919, and it was only in the latter part of 1920 that the process of compulsory resignation began. I think that between 1920 and now there would not have been more than about half a dozen such cases. I should like to know if the removal of about half a dozen or one or two more officers from a service consisting of 264 officers could be said to justify the remark "the number of cases of deliberate rascality." The Hon'ble the Home Member was pleased to say that it was a matter of opinion and interpretation. Now I again read the sentence:—"I have been shocked by the number of cases of deliberate rascality in the Provincial Judicial Service and the Bar." Would a judge of the High Court have been shocked by the number of cases of deliberate rascality if he had had only in mind these cases or in any case the half a dozen officers who had to be removed? Every honourable member can answer this question for himself. I will not take more time now. I would simply say that the reference to the Provincial Judicial Service in this book is a deliberate affront to that service. The self-respect of the service must be deeply wounded by this reference to them by an officer who occupies the position of a judge of the High Court. The service has a right to look up to the Government which has employed them to protect them from what I have called such vilification, and the answers of the

[C. Y. Chintamani.]

Hon'ble the Home Member have shown that the service may not expect that protection. Even at this stage I have not the slightest intention of pursuing the matter if the Hon'ble the Home Member uttered some word, one hope-inspiring word, to show that the Government did not share the opinion of the author of this book and they will do something, be it ever so little, which will give some satisfaction to the service. If they do not, however, move from the position they took in the course of answers, then the responsibility is not mine, if I continue to feel aggrieved at their attitude.

**Pandit Bhagwat Narayan Bhargava :** I rise to support the motion of my friend Mr. Chintamani. If the honourable members will read the questions put by Mr. Chintamani on page 5 of today's agenda, they will find that they were not answered. Parts (b) and (c) of the question are :—

“(b) Has the Governor in Council taken any steps to protect the officers of that service and the members of the Bar from this vilification ?

(c) If “Yes” what are the steps taken ? If “No” will any be taken, and what ?”

In the answer you will find that in reply to these (b) and (c) simply a quotation has been given and the questioner has been advised to read it with the context. Even if the Government was thinking that there was no vilification that there was no attack on all or most of the members of the judicial service or against the Bar, they could have said so in the answer to the questions, and then there would have been no necessity for too many supplementary questions which were put to the Government. Sir, I think, the attitude taken up by the Government in the answers given to supplementary questions will still be maintained. I am surprised at the answers given by the Hon'ble the Home Member that in his opinion there was no vilification, that in his opinion the class, as a whole, was not vilified. As was pointed out by the honourable mover of this motion the author of the book was not simply shocked at the rascality, but he was shocked first of all at the number of these rascalities. Nobody will be shocked at anything unless he sees or hears something very unusual. He would not say that he was shocked to see that people were crowded outside. He would not say that he was shocked to see the crowd unless it was doing something very unusual. In this first sentence I see that every word is pregnant with several meanings, i.e., the word ‘shocked’, the word ‘number’ the word ‘cases’, the word ‘deliberate’ and last of all the word ‘rascality’. The feelings of the author, the notions of the author about this service and the Bar have been put in as strong a language as possible. Then, Sir, I will draw the attention of the House to the sentence which comes after the one given in the answer by the Government. The author says that he does not entertain a doubt about the ability, the honour and integrity of the majority of those who practise in the High Court. This in itself shows that he has got doubt about some of those who practise in the High Court—of course, anybody can doubt anybody's ability—but he doubts even about the integrity, the honour, of some of the practitioners of the High Court. What about those who are practising in the subordinate courts ? I think the statement simply implies that he doubts the ability and honour and integrity of all the practitioners in the subordinate courts whoever they may be. I

had also put a question this morning to the Hon'ble the Home Member to define the words "vilification" and "rascality." I thought that I was ignorant of the meanings of those words. I consulted the Webster and James Murray dictionaries and I find the following meaning of the word "rascal." It means a low, mean, unprincipled, dishonest man. In the Webster the meaning is "a rogue; a knave." Suppose I were to call a person rogue or knave, would he very much like it? The meaning and the sense in which the word 'rascality' has been used by the author is quite clear and there can be no doubt, no difference of opinion whatsoever, about the interpretation of the meaning of this word. But the way in which the Government defended the author of this book was very unreasonable, intolerable and unjustifiable.

Sir, if this very word has been used by any other author for the members of the heavenly born service, the Indian Civil Service, would the Government have tolerated it? Would the Government have excused the man who would have used such words for members of the Indian Civil Service? Suppose the author were to say that he had been shocked by the number of cases of rascality in the Indian Civil Service, I wonder what attitude would have been adopted by the Government? That is the question. But, Sir, somebody whispers in my ears that I am going beyond the line. I shall be guilty of blasphemy if I were to say anything about the heavenly born service. Even at that risk I would repeat what I have said. We know Justice Walsh does not belong to that heavenly born service, but he is even above that and that is the reason why an attempt, which could not be successful, was made by the Government to defend him. The Government was not even prepared to send a copy of the questions and answers to the author of the book. Who knows that the author himself might not have been ready to express regret for the expression of his opinion in that language? Who knows that the author might not have been ready to expunge that portion from the book in another publication? But no, his prestige was to be protected. He was to be defended and therefore even such a modest request as the sending of copies of questions and answers to the author was not acceded to. Sir, I put it to the honourable Indian members of this House whether we, Indians, are so low, so base, so mean, so despicable that we shall not raise our voice, articulate our feelings of resentment and indignation against . . .

**The Hon'ble the President:** The honourable member is making it a racial question.

**Pandit Bhagwat Narayan Bhargava:** I am not making it, Sir, a racial question, but as it relates to the members of the Provincial Judicial Service, which consists mostly, rather entirely, of Indians, as has been shown by Mr. Chintamani, I think, if I am not ruled out by you, I am entitled to say that it is an insult to all Indians. The attitude of the Government was very insulting certainly to Indians as such. The author did not try to qualify his statement about the Provincial Judicial Service as he had done to a certain extent in regard to members of the Bar by saying something about the High Court vakils. I think every Indian member, whether he be a Hindu, a Muslim, or a Christian, will support this motion of my friend, the honourable member for Partabgarh. As suggested by the honourable mover, if even now the Government retraces its steps and assures us that a copy of the questions and answers and a



[Pandit Bhagwat Narayan Bhargava.]

copy of the debate on this motion will be sent to the author of this book, we shall reconsider our position in regard to this motion.

With these words, I support the motion moved by my friend from Partabgarh.

**Thakur Manjit Singh Rathor :** I accord my whole-hearted support to the motion of adjournment moved by my esteemed and learned friend Mr. Chintamani. But the reason why I do so is very different from what has been pointed out by the other speakers. My contention is, and it is well known that the Swaraj party has declared it on many occasions, that Government servants employed in these provinces and elsewhere are not particularly an honest lot. It has also been pointed out that corruption is rampant in the services of all provinces in this country. We also understand that the Government are sincere in their desire to diminish the chances of corruption. We appreciate that the Government are really desirous and are doing their best to remove the causes of corruption, but our contention is that the Government have not been so active as to reduce the chances of corruption to the minimum.

I would point out that in the last Council Mr. Srikrishna Dutt Paliwal moved a resolution . . .

**The Hon'ble the President :** I do not quite understand the bearing of these remarks on the motion before the House.

**Thakur Manjit Singh Rathor :** I will make that clear just in a minute. He moved a resolution recommending that a committee be appointed to report on the extent of corruption prevalent in the public services of these provinces and asking that Government also should take necessary steps for its removal. In the course of the discussion on that resolution the Hon'ble the Finance Member was pleased to wax eloquent on the integrity and honesty of the members of the Provincial Judicial Service. Now when this question comes before the Council and the integrity and honesty of the Provincial Judicial Service is impugned by no less a person than Sir Cecil Walsh, one of the highest authorities in the land, then the Government take a different attitude.

**The Hon'ble the President :** May I just intervene. The references in the book have not been made by him in his capacity of a judge of the High Court, but as an author, as a private man, and I hope honourable members will refer to Sir Cecil Walsh not in his judicial capacity.

**Thakur Manjit Singh Rathor :** I very much wish that it was possible to dissociate personalities from their high position. I bow to your ruling, Sir, and shall try to observe the restriction which has been pointed out by you, Sir. But I would submit that in the case of personages of high distinction and position it is very difficult to dissociate their private capacity from their official positions. So under the limitation pointed out by you, Sir, I would try to proceed with my argument.

What I was saying is that the author in his book has cast a slur on the entire Provincial Judicial Service. Government expressed through their spokesman the leader of the House, Sir Sam O'Donnell, when the resolution on corruption was discussed in this Council last time that the Provincial Judicial Service officers are a set of persons of very high integrity and unquestioned honesty. Under the circumstances, I fail to see, how the Government can blow hot and cold in the same breath. If they agree with the author of the book that the Provincial Judicial Service consists of men

who are a dirty spot on the administration and who cast a slur on the administration, they should be the first on this occasion to say that they would institute an inquiry into the conduct of the officials as was demanded by the Council in the resolution last time. If they are not of that opinion, then they ought to, as suggested by Mr. Chintamani, come before the Council and say that they cannot see eye to eye with the author and they therefore desire that the expressions in question should be expunged from the book. It is for this reason that I accord my support to Mr. Chintamani's motion.

But before I sit down, I would say a few words with regard to the integrity of the lawyer class. I would again say it is for that very reason for which I support the motion with regard to the Provincial Service that I support this motion with regard to the lawyers. I make no secret of my views with regard to the level of professional integrity of that class of people who are known as lawyers. My lawyer friends will excuse me because I know that during the span of two years it was from Dehra Dun that there were three cases before the High Court of lawyers, in which one lawyer was debarred from practice for five years, one was suspended for one year and one on making an abject apology was excused. I am aware of these facts, so when I say that I give my whole-hearted support to the motion it is on the self-same reason for which I give my support to the motion in regard to the Provincial Service men. My point is that the legal profession where it does contain gems of the first order also has got persons who are a disgrace to the fraternity of lawyers. I am not oblivious of the fact that the legal profession in these provinces has produced men of the eminence and ability and reputation of the late Sir Sundar Lal, it has produced men of the patriotism, self-sacrifice, integrity and high honesty of Pandit Moti Lal Nehru, the well-known leader of the Swaraj party, and it is the legal profession of these provinces that has produced a gem of the reputation of Sir Tej Bahadur Sapru. So while I am not oblivious of the fact that the legal profession has produced men who will embellish any society that they touch, there are men in that profession who are really a disgrace to it. But to make a sweeping generalization of the character which the author has seen it fit to make against not only the lawyers but also against the provincial service men is I think a subject which should engage, as it has been engaging, the serious attention of this House. In these circumstances, I would suggest to the Government not to tell the Council "Heads we win, tails you lose", not to tell the House that while they do not agree with the view that there is wholesale corruption in the land, at the same time they cannot request the author to expunge the objectionable words in question.

With these words, I give my support to the motion of adjournment as moved by Mr. Chintamani.

**Rai Bahadur Babu Mohan Lal :** I hold a very dangerous position at this moment because I have not stood up to support the motion, but to oppose it. I am a zamindar and Mr. Chintamani, the mover of this motion, is a journalist. My conduct will be criticized very much in the papers, but I have got a conscience and I will act according to the dictates of my conscience.

**Babu Bhagwati Sahai Bedar :** Are you not a lawyer?

**The Hon'ble the President :** Order, order.

[Rai Bahadur Babu Mohan Lal.]

I am not afraid of these attacks or the attack that will be made against me. I am glad, being a zamindar. I am not a servant of the Government that I am taking this attitude. But at the same time I am also a member of the most independent profession and therefore it cannot be said against a lawyer zamindar that he is a servant of the Government and I am as independent as one could be. Not only the provincial service is being attacked but also the Bar. Therefore I would be the last man who would not see that the honour of the Bar is preserved, but at the same time I cannot say that anything has been done in the proceedings of today which justifies this motion. That is the sole issue and our entire attention should be directed to that issue. I do not at all agree with what Justice Walsh has said in his writing. I would say that Sir Cecil Walsh has not done justice either to the provincial service or to the members of the Bar. I am quite alive to this fact that he has spared the Indian Civil Service men. In them also he could have found men of the type of the provincial service officers who have been so depicted in his preface if he had taken care to find them I am not standing here to support the Indian Civil Service and to depreciate the provincial service, but here I have to see whether the Hon'ble the Home Member should be faced with this motion or not. The remarks of Sir Cecil are rather more sweeping, and had he made those remarks in guarded words I think there would have been no occasion for such a motion at all. He has been rather unguarded in these remarks. It is admitted on all hands that there are black sheep in the provincial service and in the Bar as well, but he has used the words "the number of such cases." That is the only thing which has given rise to this discussion. But we have to see whether the remarks made by Sir Cecil Walsh were made in his personal capacity or in his capacity as a Judge of the High Court. I find that they were made in his personal capacity and he is liable to be run down by the public. It is open to the public to call a meeting and to condemn these remarks, to pass any remarks against Justice Walsh, and to send him resolutions condemning his action in making such remarks. The Hon'ble the Home Member said that he did not see any necessity of sending the questions and answers to Justice Walsh because he has not made these remarks in his official capacity. Had he agreed to sending these questions and answers to Justice Walsh, he would have done a thing which might have very much satisfied the House, but he did not do so. I have to see whether he has done any wrong to the House. I think not. We are public men; it is open to us to hold public meetings outside the Council, to pass resolutions showing our resentment at the remarks made by him and to send copies of those resolutions to him. The provincial service officers may also hold a meeting, pass a resolution showing their resentment on these remarks, and send a copy of the resolution to Justice Walsh. Our hands are not tied, our ways are not stopped. We can challenge these remarks in many ways, and I think the Hon'ble the Home Member never said in the answers that he believed that the provincial service men are a set of rascals. The answers which he gave, a copy of which is in my hand, show that he never thinks that there are any men in the provincial service who are rascals and then the argument advanced by the honourable speaker who has spoken before me is an answer to this motion itself. He said that there was a time when the provincial service men were attacked, and then Sir Samuel O'Donnell stood up to defend them. Why should not

this House be satisfied that the attitude of this Government is not against the belief in the honesty, integrity, and trustworthiness of the provincial service men? On the other hand the Finance Member has expressed his opinion that he holds a very high respect for the provincial service. When that point was before the House to be discussed in a proper way I do not see why the mover of this motion and the members who have stood up to support him should say that Government is not prepared to preserve the honour and respect of the provincial judicial service. For these reasons I have stood up, knowing full well that in public my conduct will be very much attacked. But I am not afraid of that. I oppose this motion.

**Khan Bahadur Mr. Masud-ul-Hasan:** The question before the House is not the conduct of Mr. Justice Walsh in writing what he has written but the real issue before the House is whether the attitude of the Home Member this morning was satisfactory or not. The issue has been clouded by the speakers on the other side when they discussed the integrity or otherwise of provincial service men. As a matter of fact Mr. Justice Walsh in his preface does not make a sweeping remark about the service. His remark is meant only for those who were really the black sheep, and I am glad that they were sacrificed on the altar of justice. Purity of justice is a thing which we must have if we are going to develop the country and hope to command the respect of other nations. I do not agree with the view that if we have two or three Indians who are really dishonest we should shield them and not allow anyone to say that they are dishonest. Mr. Justice Walsh does not say anything except that there are some people in the profession as well as in the judicial service who are not good. As far as the profession is concerned, I hope that this House will not discuss the question of the integrity or otherwise of the profession, because the members of the profession belong to the same fraternity to which Mr. Justice Walsh belongs. And whatever he has written in the book is for the welfare of the profession, and as far as the judicial service is concerned, if anybody has read the whole book he will bear me out that further on in his book he says that the provincial judicial service is really an excellent service. Some members of this service have proved themselves to be very eminent judges and in this country the system of recruitment from the lower ranks has proved to be very successful. And he was glad to say that members from the lower judicial service should be promoted to the highest posts in the judicial service. Bearing this fact in mind and this observation of the author, and reading his preface, one cannot come to the conclusion that this was a sweeping remark. One of the speakers on the other side just mentioned that on a former occasion they wanted Government to institute an inquiry with regard to the service, and find out who were really corrupt. He also averred that corruption was rampant. Where was this—was it in the service or in the next world? If there was really corruption in the service, and Mr. Justice Walsh had mentioned this fact in his book, why blame him for doing so? After all, you want purity and nothing else. You want to support the service, but do you want to support even those who are bad men? Certainly not. The only object of this House should be to protect the good men, the honest men, and I can assure you that as far as the judicial service are concerned, the majority of them are honest and have been discharging their duties as well as anyone on the High Court bench can. At the same time one cannot shut his eyes to the fact that there have been cases of men who were found corrupt. It is very difficult to catch a man who

[Khan Bahadur Mr. Masud-ul-Hasan.]

is dishonest, and you only know of his dishonesty when he is actually caught.

I do not think it is fair to say that Sir Cecil Walsh has condemned service as a whole, and I therefore oppose the motion.

**Shaikh Abdullah :** I have heard the speeches on both sides and I am dubious about certain points about which I want to elicit information from the Hon'ble the Home Member. My question is whether, if the interpretation of the passage in question were the one placed upon it by my honourable friend from Partabgarh, the Government would still refuse to take any steps in the matter in order to protect the service?

(The Hon'ble the Home Member—No, no.)

If the Government say that if the interpretation placed on it were correct, they are prepared to do something, then of course the House should be satisfied that Government is not unmindful about the respect and dignity of the judicial service. If the Government took the attitude that in spite of any wholesale slur on the service they will not move, then, the only conclusion to be drawn by the House would be that the judicial service is not properly protected or looked after.

**Shaikh Muhammad Habib-ullah :** When I first joined this House I had made up my mind to sit quietly and comfortably for a few weeks and watch and study how things were done in this Council. I have had to break this vow because there was a question affecting the integrity of the provincial judicial service. I did not belong to that service but was a member of a sister service. When I saw the question in the name of the honourable member for Allahabad—no Partabgarh, as he is now an Oudh man—I was surprised why he has included the members of the Bar as well. Of course the members of the Bar had to be excluded finally, as I think they objected to approaching the matter through Government. They are the strongest body I think in India and they can vindicate their grievances by going to their own associations which are not only powerful but are in existence all over the province and throughout the country and even in England. Justice Walsh belongs to the Bar himself. Well, Sir, it is said that Justice Walsh has used some phrase in a passage in his book which casts aspersion very strongly on the integrity of the provincial judicial service. I have studied the passage and no doubt it is rather extravagantly worded. He says that during his ten years' stay at the High Court he has come across numerous cases of rascality. If he is referring to cases of bribery and corruption I do not think that the word "rascality" is inappropriate at all. But this is not the question at this moment. The question is this. The honourable member from Partabgarh, thinking that references of this kind badly affect the reputation of the service, has moved the Government to approach the writer of the book and to point out to him that the Government thinks that it ought to defend the members of the service. I know what is working in the mind of the people who have moved the motion—I do not share it myself—but, taking it for granted that Sir Cecil Walsh as an Acting Chief Justice had said in so many words in an official pronouncement, I do not know what action the Government could have taken. He is absolutely at liberty to say that in his experience he had come across cases of rascality and Government could not tell him that he ought not to have put them in. They could only issue a resolution and express their own opinion. But in this case Justice

Walsh cannot be approached through Government at all. In the first place, he is not a Government servant; he is a Crown servant, and Government have no power to communicate to him that they do or do not approve of anything that he has done. In the second place, he has written the book in his non-official capacity and he has given expression to what he thought about things in the service. The chief aim of this motion for adjournment is to show disapproval of the conduct of the Government in not expressing the opinion that they do not share the opinion of the writer of the book. The honourable member has not used that very expression; but whatever he has said practically comes to that. In fact Government, as you will see, promoted so many judicial officers to higher appointments, which testifies to the fact that they believe in the integrity and efficiency of the services. It is said that the answer given from the Government side is evasive and indicates that Government share the view expressed by the writer of the book. But I fail to see from the answers given by the Hon'ble the Home Member that there is any such indication. In these circumstances I think that the motion for adjournment is absolutely unnecessary and should be thrown out.

**Rai Bahadur Lala Mathura Prasad Mehrotra :** I rise to support the motion for adjournment moved by my honourable friend from Partabgarh. Before going into the merits or demerits of the question, I would like to answer some of the remarks made by two or three previous speakers in opposing the motion. When my honourable friend from Hardoi rose to speak he said that he was taking a dangerous position. I would certainly say that he *has* taken indeed a very dangerous position and even then called himself an independent man. He said that he was a zamindar but not in the service of the Government or he would not do anything according to the wishes of the Government because he was *also* a lawyer. Sir, I protest strongly against his remarks. Does he mean to say that the zamindars who are not lawyers are not independent? Have they lost their independence? Certainly not. Beware of such lawyer zamindars, who are surely not what they pose to be. Then he said that Justice Walsh—I beg your pardon, I am not talking of his official position—Sir Cecil Walsh was not right in making such sweeping remarks. In the same breath he approves of the action of the Government which is not going even to dissociate itself with the views of the author of the book. As he proceeded he further said that the Government held a very high opinion of the Provincial Judicial Service men as could be seen from the answer which they gave during the course of discussion on a resolution referred to by an honourable friend. If it is really so, then I do not see any reason on earth why they should fight shy in saying that they disapprove of the action of the author of the book. When they have got such a high opinion of the Provincial Judicial Service men, why should not the Government disapprove of the remarks of a certain person against their well thought of views? They should certainly come forward and say so and the motion will, I am sure, be withdrawn by the honourable mover. My friend from Sitapur has said that Sir Cecil Walsh is a servant of the Crown and so the Government has no right to communicate anything to him. I beg to differ from his views. Just as we say that such and such person has done a good thing and so we approve of it in the same way we can express our disapproval. Government can certainly forward the proceedings of today to Sir Cecil Walsh. Then my honourable friend from

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

Moradabad has said something which I do not wish to answer on account of his peculiar position.

Now I come to the merits of the question. When a number of supplementary questions were put by the honourable mover of the motion for adjournment he never meant to make this motion. The reply that was given by the Hon'ble the Home Member to the original question was certainly unsatisfactory. The Government committed themselves to nothing in the original reply. But as a volley of supplementary questions were put, he was not even prepared to send the proceedings of this Council to the author. A number of ways were suggested to him to expressing disapproval in the following manner : Firstly the Government disapproved the remarks. Then the second course was a little less forceful in the way that the author should expunge the remarks from the book and the last, but the least, objectionable way being that the proceedings of today's Council should be sent to the author. But the Government flatly refused to accept our request, one after the other, and hence no other way is open to us.

On the other hand the honourable member for Hardoi had also suggested that the right course for us was to hold a public meeting with a view to condemn the action of the Chief Justice. Now, I wish to inquire from him if he has not come here as a representative of the public ? If he is here in the Council in his representative capacity or not ? Is it not his duty to voice the grievances of the people before the Government ? If not, what for has he sought their suffrage and did not content himself in holding public meetings and passing resolutions therein ? In short, and under the circumstances I trust the debate will not be prolonged at this time of the day, and the Hon'ble the Home Member will soon be out with an explanation which will assuage the public mind, the Provincial Judicial Service and the Bar.

**Rai Bahadur Pandit Sankata Prasad Bajpai :** I rise to support the motion of my honourable and esteemed friend the member for Partabgarh. The real question before us is as to whether the expressions in which Sir Cecil Walsh has indulged should or should not have found a place in a book of that sort. Well, Sir, I am not here to defend all the members of the Provincial Judicial Service. They may be good men or bad men. Nor am I here to defend all the members of the Bar. But certainly I am here to tell the Government that a person occupying the exalted position of the Chief Justice of a High Court should not have indulged in the remarks to which exception has rightly been taken by this Honourable House. These observations, in my humble opinion, are anything but dignified. I am also of opinion that Sir Cecil Walsh had no justification whatsoever to use the expressions, which, to say the least of it, are not only undignified but entirely unmerited. As regards the Hon'ble the Home Member, I should like to know from him whether he agrees with the interpretation which has been placed upon the expressions in question by Mr. Habib-ullah, and if he does, the matter will, I hope, be settled without any difficulty. Unfortunately, however, when any motion is brought forward in this House, the bogey of a vote of censure is brought in season and out of season. If we have to proceed in this manner, I fear we cannot discharge our duty to our constituents. I am sure that if an Indian had indulged in similar observations against a member of the

Imperial Service, and if that member happened to be an Englishman, there would have been a hue and cry throughout the length and breadth of this vast continent. But when a Judge of the High Court, though it may be in his private capacity, takes upon himself to indulge in such offensive expressions, then we are told that the prestige and reputation, of the Hon'ble the Home Member are in jeopardy even if the position of the Hon'ble Home Member, or for the matter of that of the whole Government, is in question, we must do our duty and should not advise our colleagues to go out and hold public meetings with a view to vindicate our grievances. Sir, I would sincerely advise my honourable friend the member for Hardoi to vacate his seat, go out, and hold public meetings if he believes that such a protest can be made at public meetings only. Certainly the men of the Provincial Judicial Service are our constituents and it is up to us to defend them. I have great respect for my honourable friend Shaikh Habib-ullah and I regard him as my elder. It is, however, my misfortune that I do not see eye to eye with him on this occasion. I think we will be stultifying ourselves if we do not extend our hearty support to the motion under discussion. I shall, therefore, appeal to my colleagues to carry this motion unanimously.

**Kunwar Jagdish Prasad :** I do not wish to import any heat into this discussion. I claim the indulgence of the House if I attempt to put before it the issues as I see them.

The whole question which has arisen this afternoon is with regard to the interpretation of certain passages in a book. I think that hardly any member of the House except those one or two who have copies of the book has probably read the whole book. The interpretation which has been put on the questions and answers in this connexion on the floor of this House is that a certain Judge of the High Court had stated in a book, which was meant for advocates, that all the men of the Provincial Judicial Service were rascals and that they were corrupt. If that interpretation were accepted, I do not think that any member of this House, whether an official or non-official, could for a moment accept that statement. If, on the other hand, the interpretation is that some Provincial Judicial Service officers in recent years have been found to be corrupt, that some of the men who have the extremely sacred and important duty of administering justice and that some of the men to whom we look to administer the law, without fear or favour have been found guilty of corruption, the question which this House has to ask is, whether with reference to these men any terms which we can use would be an adequate denunciation of their action. Would the word "rascal" to a man, who has polluted justice by accepting a bribe, be regarded as an expression which should not be used? The whole question, Sir, is, if our interpretation is correct, that Sir Cecil Walsh expressed in emphatic language that certain judicial officers who should have carried out their duties honestly and fairly, and without selling justice, have not done so and that they are therefore rascals. I do not think that the House will be prepared to condemn that statement.

In the debate that took place a short time ago my honourable friend, who is a member of the British Indian Association, said :— "I know that corruption is rampant in this province." Thakur Hanuman Singh said that "corruption is rife in nearly all the departments of the Government and one shudders to go to court." The honourable member praised the action of Sir Grimwood Mears in this connexion. It was said that in the judicial service bribery and corruption



[Kunwar Jagdish Prasad.]

had been checked, but they still existed. My honourable friend the leader of the *swaraj* party in his eloquent speech said :—" I do not mean to suggest that every member of the service in every branch as a whole is lacking in integrity and probity. But at the same time I am not prepared to say that in any stage and in any grade we can say that corruption comes to an end." These were the feelings which were expressed in this House, and if a High Court Judge, Sir Cecil Walsh, has said that in some cases there are people who sell justice and are consequently rascals, then I say that he is expressing the general sense of this House that a man who sells justice is a rascal—an expression which certainly represents the feelings of this House. In discussing the meaning of that particular passage what is said subsequently should also be taken into account. If the honourable members will read the chapter in the book dealing with the Bench and the Bar, then they will find that Sir Cecil Walsh has advocated that the system of recruitment of Judges in India is, in some ways, better than the system in England. Why ? Because in this country members are promoted to the highest from the lowest ranks of the judicial service. Sir Cecil Walsh says, in regard to the method of recruiting the Indian judiciary :—" Perhaps a most notable feature is the regular and continual promotion from the inferior to the highest judicial posts. This has certainly proved a success in India, and therefore for many reasons it is essential." Here is the Acting Chief Justice who says that the promotion from the lowest to the highest ranks has been a success, and yet we are asked to interpret that Judge as saying that the whole of the lower judiciary are incompetent and are rascals and corrupt. If that were the meaning, then the statement that the system of recruitment from the lowest to the highest ranks has been a success would be entirely contradictory. It is a question of interpretation. You can always take a particular sentence from a particular book and give it an interpretation which, if the whole passage were read through, it would not bear. Again, I say that the issue is not that all the provincial judicial service officers are corrupt. The issue is whether some have been corrupt and that consequently some have been rascals. We all admit that there has been great improvement in recent years. The Hon'ble the Finance Member in moving a resolution on corruption said that in his experience of thirty years there had been a great improvement in the integrity of provincial service officers and that their standard of conduct and probity had risen. He further said that our provincial service men are much more honest and much more independent than they were in the beginning. Who can possibly stand up and say that all the provincial service men are corrupt ? We further admit that the number of men proved guilty of corruption is certainly very small. But the seriousness of the offence cannot be judged merely by percentages. It is argued that if there is a certain percentage of corrupt men in a certain service, then you should say nothing about it. But if the percentage goes beyond a certain figure, then you are to take notice of it. I say that the higher the position occupied, the greater the fall. I say that if, for example, among High Court Judges even one case is found of corruption, I think people would be justified in saying that it was most deplorable. If among the district judges even if two or three Judges were publicly condemned and found guilty, I think that service itself would regard that as a slur on the whole body. Can you say today that not even one case of corruption has been proved in the provincial judicial service ? Therefore, Sir, it is

only a question of interpretation. Sir Cecil Walsh could not possibly have meant that the whole service was corrupt, and as we do not accept that interpretation, we on this side of the House, cannot possibly accept the motion which has been moved by my honourable friend, the member from Partabgarh.

**Mr. A. P. Dube :** I agree with the honourable member who spoke last that no heat ought to be imported into the matter. I rise to support the motion, but for different reasons from those given by some of the honourable members who have spoken before. The honourable member who spoke last spoke of the interpretation that was going to be put or that can be put upon the words and he came to the conclusion, or at least he expected the House to come to the conclusion, that the interpretation was not at all discreditable to the writer. Now, Sir, my difficulty is that I have known Sir Cecil Walsh for a very long time and I sincerely believe him to be a great sportsman. I know that he will never take undue advantage of anybody. The second point that strikes me is that, however much we may try to dissociate Mr. Justice Walsh as an individual and a writer, the thought must remain behind that he is also a High Court Judge. The controversy that at one time went on between the English Courts and the House of Commons in the times of Bradlaugh might be repeated here. However, let us take Mr. Justice Walsh or Sir Cecil Walsh as an individual. Sir, I see that the law has given a complete immunity to the High Court Judges from criticisms of their conduct by this House. But the criticism for which Sir Cecil Walsh has come in before this House is really due to his habit of writing for the press. We remember that only a few months ago Lord Birkenhead was writing for the press and he came in for a good deal of criticism and one of the English papers went to the length of saying that if Lord Birkenhead wanted money let the nation subscribe it for him. If a High Court Judge confined himself to the duties of the High Court and did not travel beyond them he would be absolutely immune from the criticisms of anybody and that would be just what it should be. If the Judge steps out from that position and writes a book and places a price upon it and sells that book, which is not exactly a book dealing with enunciation of the law, a statement of the law as it is, but deals with the aims and aspirations of an advocate, he takes a step which might take him down the fated steeps, and today's discussion is an example of it. Now, the preface of the book is capable of this interpretation. Sir Cecil Walsh was dealing with Judges and members of the Bar. Those were the only persons to whom the book could be sold. It might be said that in his Preface he was stating something sensational which might attract others to buy the book. In the middle of that advertisement he says something about the Bar also which is open to criticism. He says :—" I am saddened by the number of practitioners who do not hesitate to argue what, I am sure, they must know to be nonsense." Surely, the learned Judge knows that an advocate is not a Judge. He is not only to present strong cases but also to present weak cases. We are not Judges ; advocates are not Judges. The duty of judging whether a case is weak or strong is assigned to the Judges. If a man goes to a lawyer and asks for an opinion, the lawyer will give his opinion, but he is not a Judge. He cannot categorically say to his client that his case is a weak case or a strong one and thus assume the role of a Judge. In writing things like this Judges make these mistakes. He says later on, " but shrink from admitting points which are absolutely clear."

**The Hon'ble the President :** Are you going to review the whole book ?

**Mr. A. P. Dube :** I am simply using sentences from the book which have been quoted by honourable speakers to show how a Judge gets into difficulties by writing books on such subjects.

**The Hon'ble the President :** That is not the issue before the House.

**Mr. A. P. Dube :** A high servant of the Crown could be informed of the opinion of this Council by the Government which also represents the Crown. The Government declines to do it. So the Government has found itself in a difficulty and by giving irrational answers to the questions that were put this morning has made a mountain of a mole-hill. I therefore think that it deserves condemnation by every means. Why should the Government give preference to their own opinion over the judgement of the House ?

**Pandit Iqbal Narayan Gurtu :** I am sure honourable members in this House regret that an occasion should have arisen for us to meet and discuss a resolution like this. In this debate several confusing issues have been raised and I wish honourable members would keep clear in mind the real question at issue. It is not that we have met here to judge the conduct, of, or to pass any verdict on the writings of a certain author. The object of the question raised by my honourable friend the member for Partabgarh was that Government should come forward to give that protection to a service which that service naturally expected from the Government. Again, if in the debate this afternoon and also at question time in the morning it had been kept in mind that the remarks of a person writing as an author in his private capacity, were under discussion, I am sure all this trouble would have been avoided. In fact the Hon'ble the Home Member in the first part of his answers did mention that point, but for a very different reason. My friend Mr. Chintamani asked the question : " Do the Government approve of the opinion of the deliberate raciality of the Provincial Judicial Service expressed here ? " The question was do they or do they not approve of that opinion ? The answer given was : " Government are not prepared to express any opinion, as we think that this was not written by him in his official capacity. " Now, Sir, let us look at the implications of this answer. It means this : if the book were written by a person in his official capacity, Government would have taken notice of it and expressed their opinion, but because it was written by a person in his private capacity Government did not think it necessary to do so. Is that the position that Government always takes up with regard to any other book written by other authors or to any sweeping general statements made by other persons in their non-official capacity ? I am sure there have been many questions put in this House about books written by various people and about the opinions that the authors have expressed therein. Whenever the Government was asked about its own opinion Government candidly said whether it agreed or disagreed with those views. But here the Hon'ble the Home Member says that Government is not prepared to express its opinion because the book is written by a private person. Now, Sir, supposing a Member of the Parliament from England came—as so many come—as a tourist, and attended the proceedings of this Council for several days, and supposing on his return home he wrote a book, and there he made a statement that he was

shocked at the utter incompetence and the hopeless ignorance of a number of members of the Government because at question time they could not give proper answers—I am only taking a hypothetical case—and supposing my honourable friend from Partabgarh had put a question, "Does Government share that opinion?", am I to understand that Government would have said that as that opinion was expressed by a person in his private capacity therefore Government was not prepared to defend itself? I am perfectly sure the Hon'ble the Home Member or the Hon'ble the Finance Member, the leader of the House, would have at once got up and would have vigorously supported the Government as he was bound to do. Did the Government approach this question in the same spirit? Here is a body of men who have been doing hard honest work for the Government; here is a statement made by a certain author—let us forget that author is a Judge of the High Court or an officiating Chief Justice—that he was shocked at the number of cases of deliberate rascality in the Provincial Judicial service. Now, what should the Government have done? Should the Government not have got up and said:—"No, we do not at all agree that there have been a number of cases like that". But the Government here says:—"We are not prepared to express any opinion". The fact of the matter is—and I put it to the Government that they cannot get over the fact—that the author is a High Court Judge and so they are very nervous to express any opinion. That was in fact given out by my friend Mr. Habib-ullah.

My friend Mr. Habib-ullah said that Sir Cecil Walsh was not a Government servant; he was a Crown servant. Is that the reason why the Government is afraid of saying anything? Is that the reason why the Government is feeling nervous in sending a copy of the proceedings to him? I ask the Government: what is the reason that they are at present so nervous? Would they have been afraid of sending a copy of such proceedings to any other person? There is no denying the fact that they are at the present moment afraid and, therefore, they have been hiding their timidity under a superfluity of words.

Sir, a good deal has been made by the Hon'ble the Home Member and by his henchman the Education Secretary, of the point that it was not the entire service that was blamed. Would the Hon'ble the Home Member, have only moved in the matter if the author had written that he was shocked at the rascality of the entire service? The words are clear: they are "the number of cases of deliberate rascality in the Provincial Judicial service". Now the Hon'ble the Home Member when he was asked whether there were a large number of cases of corruption in the service could only say that there have been only a few cases; he could not have said that there have been many cases. Here the author uses the words "the number of cases". Well, Sir, is that statement justified under the circumstances? The Home Member himself kept on saying that because there were only a few cases, and because the author did not blame the entire service, therefore, he did not think it necessary to take any action in the matter? Sir, one can stretch the language in any way one likes, but surely there is some difference between the words "some" and "few" and "the number". Unless my knowledge of the English language is very poor and defective—I lay no claim to have any sufficient knowledge of it—I take it that when a person uses the words, "the number" he has in mind a large number. My honourable friend, the member for Partabgarh, raised this question with the object that the Government might say just a word

[Pandit Iqbal Narayan Gurtu.]

or two to protect the honour and the self-respect of the Provincial Judicial service ; but no, the Government were not at all afraid, it is true, of their subordinates ; they were mightily afraid of Sir Cecil Walsh. That is the whole matter.

Now, what will be the moral effect of these answers on the Judicial service ? They will not be able to say anything. An honourable member suggested :—" Let us hold public meetings if we are dissatisfied with it." Well, that will be for the public certainly, but the question is what are these poor judicial officers to do ? They are in a subordinate position. If the Government with all its might and resources, its splendour and dignity, is afraid of the author because he is the officiating Chief Justice, what can a poor munsif or subordinate judge do ? Can they meet together and pass a resolution condemning the statement made in the book ?

Then, Sir, the Hon'ble the Home Member trotted out a phrase from the book and I really pitied him there because he could only stretch that one single word " fold " in attenuation of an otherwise sweeping statement. The entire statement in the preface really relates to members of the Bar. It is only in that one sentence pointed out by Mr. Chintamani that Sir Cecil Walsh drags in the Judicial service. Nowhere subsequently is there anything said in appreciation of the bulk of the Judicial service. But the Hon'ble the Home Member instead of being a protector of that service really became an advocate and a defender of the author. If the Hon'ble the Home Member had not taken up that attitude there would have been no grievance on this side of the House, but, as I said, he became a defender and advocate of the author ; he was driven into corner very often, and he tried to wriggle out of the difficulty, and the more he tried to do so, the worse it became for him and his colleagues, and the result of it is the motion that we are discussing just now. Sir, the Home Member said that the self-respect of the service was not hurt because all the members of the service were not meant. Could he have not said that the expression was unfortunate, as it was liable to be misunderstood ; that Government from its experience of its officers know that they have a high standard of integrity, and that, although there have been a few cases of corruption, Government does not share the view that this corruption is on any large scale in the service. Even that would have been sufficient to satisfy these poor, hard-worked people. But no, nothing can be said because the author was Sir Cecil Walsh.

Sir, I tried to act as a peacemaker. (Kunwar Jagdish Prasad : Hear, hear!) Yes, people who have got accustomed to fight like cocks could hardly appreciate it. At an early stage when a volley of questions was directed against the Hon'ble Home Member I did suggest to the Home Member to adopt a dignified course, but he would not take the hint. I said :—" Will Government be prepared to convey to the author of the book its regret that such a general statement was made regarding the Judicial service." The Hon'ble the Home Member replied :—" We do not admit that there is any such general statement." Then, again, at the end I made another feeble attempt, feeble because it proved futile. I again got up and said. . . .

**Kunwar Jagdish Prasad :** Is the honourable member's time not yet over ?

**The Hon'ble the President :** Not yet.

**Pandit Iqbal Narayan Gurtu :** The Education Secretary is certainly very vigilant and active. I know he guides and inspires many departments, but I hope he has no ambition to guide you, Mr. President. It is your business, Sir, to see that I do not waste the time of the Council. I can very well understand my honourable friend's impatience.

Khan Bahadur Hafiz Hidayat Husain also suggested that a copy of the proceedings be sent to Sir Cecil Walsh, but the Hon'ble the Home Member said that he will be able to see them for himself in the press. I too in vain sought to persuade the Home Member to forward the proceedings to Sir Cecil Walsh, but the Government will not do it. I asked, "Does Government refuse to do this?" The Home Member said:—"I think there is no need." I again said:—"My question is, does Government refuse to do this?" The Home Member said:—"It will serve no purpose." He kept on evading the main question. He was really afraid to send the proceedings. When Government shows this timidity on one side and such heartless indifference to the interests and reputation of a loyal set of servants on the other, what redress is left to them, and what alternative is left to the non-official members of this House but to express their dissatisfaction in the manner in which they are trying to do today.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I do not wish to introduce any heat in the debate even after the heated oration of my honourable friend the member for the University of Allahabad. Facing as I do today one of the best debaters that our province has adopted, if not produced, aware as I am of my shortcomings in the art of speechifying and debate as in many other things, and fully aware as I am of the weakness of my position, I hope that the sincerity of my explanation will be able to make amends for the lack of my vocabulary. The whole point is that those phrases, those unfortunate phrases of the book, are the ones on which a certain interpretation has been put by my honourable friends sitting over there, and we have put quite another interpretation to the same sentences. As was just mentioned by my honourable friend the member for Dehra Dun, it was the other day that the subordinate officers were attacked in this very House. A very scathing criticism was made on their character and we always came to their rescue and championed their cause. But it is an irony of fate that now we who have always protected them, who wish to protect them now, who are bound to protect them, are attacked now by those who have always criticized them and who now turn and say that we are not giving due protection to the services. Sir, it is natural that every Government should protect the members of their services because, whatever the shortcomings of the services may be, they may be the members of a subordinate service or of the Provincial service, or of the Imperial service, whatever the shortcomings of the members of the services be they are bound to reflect on the Government, because we are responsible for the appointment of those officers. Whenever the question of the corruption of the services was discussed in this House the honourable members always held Government responsible for all the corruption, for all the misdeeds of the members of the services. It is our right and our duty to protect them, and the moment we agree that they are really corrupt it is our first duty to remove them. Therefore I am sure that Sir Cecil Walsh did not mean any reflection on the whole service, because the moment he made any reflection on the entire service it would mean that he was making indirectly reflections on the Government

[The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.]

which has appointed such a service. After all we are responsible for the appointment of those services. Further on, my honourable friend from Mainpuri put a question as to what, if the interpretation given by the other side to these phrases had been true, would have been the position of the Government? I said at once that had that been the true interpretation we would have been the first to repudiate it. How can we possibly accept any assertion from any quarter that the whole service is corrupt and still go on letting them work and remain in the cadre? Therefore it would be most inconsistent for us to admit even for a single moment that the whole service, whether it be subordinate or provincial, or even that the majority of a service, were corrupt. Much has been said about the questions and answers of this morning. If I created any misunderstanding in the minds of members in giving supplementary replies I am sorry, and I would like to explain the thing over again. In reply to the question—"Do Government share the opinion of the author of the book about the quality of the Provincial Judicial service", I said:—"Government need not express anything. We do not think that there is any reflection on the whole service as suggested". Further, my friend the representative of the University put a question to me:—"Is the Government now prepared to state that these remarks do not apply to the officers of the Judicial service now on their cadre?" I said:—"They do not apply to them as a whole?" What else could we have said? Is it not enough—was I not sufficiently clear—that they did not apply to the whole cadre? In any case we cannot admit that the whole of the Provincial service or even a majority of them are corrupt. That would be an impossible position for any Government to take.

**Rai Bahadur Lala Mathura Prasad Mehrotra:** What is the opinion of the Home Member about the sentence "shocked by the number of cases."

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan:** The other question was put by my friend. In reply to that question I said the question was:—"Is there anything in the sentence which I have quoted or in the sentence quoted in this reply or in the further sentence quoted by the Hon'ble the Home Member which refers to the Provincial Judicial service?" I said:—"Not in so many terms." "But I think there are black sheep in every fold and rogues in every profession. The first part applied to the Judicial service and the second to the Bar." I have since read some more passages in the book which show that Sir Cecil Walsh has agreed in this book to the filling of higher posts by promotion from the lower. I cannot for a moment think after saying that the whole service was corrupt he would have agreed to the promotions being made to higher posts. Sir, we know that any stick is good enough to beat the Government with. We are all aware of the parliamentary tactics of my honourable friend from Partabgarh. His attack was first started on the Minister of Excise. Then every one of them had their share, and I am grateful that a particular and special share was reserved for me on the last day at such a late hour.

تمہر نظر سے دیکھتے وہ دیکھتے تو ہیں

میں شاد ہوں کہ ہوں تو کسی کی نگاہ میں

**Kunwar Surendra Partap Sahi:** I move for a closure.

**The Hon'ble the President:** I cannot accept the closure.

**The Hon'ble Sir Sam O'Donnell:** I was surprised to hear it said that my honourable friend the Home Member expressed the view that the epithet "deliberate rascality" was not one that cast any slur on the Provincial Judicial service. I should have thought that the position of my honourable friend would have been perfectly clear. Our position was and is that there is no imputation on the Provincial Judicial service as a whole. Had there been any imputation on the service as a whole, we should have been the first to express our disagreement. I am reminded that on a previous occasion I defended the Provincial services. Yes, I did so, and I shall be prepared to do so again should the need arise. I said on that occasion:—"I do not deny that there have been cases of corruption among the members of the Provincial services, but I am quite certain that in my own experience there has been an immense improvement in the standards of these services. I regard that as the most promising development that has occurred during the last thirty years. It makes one hopeful for the future, this immense improvement which has taken place in the morale of the provincial service." I went on to say:—"The men of the Provincial services are educated men who have passed through a university, men who have a finer sense of honour and a more developed public spirit." That makes clear what our view is regarding the Provincial Judicial service as a whole. But our point is that we do not admit that in the words complained of there is an imputation on the Provincial Judicial service as a whole. We are quite aware of the order in which the various sentences occur. We attach no importance to it. We say:—"Take the page on which they occur as a whole; read it in a fair spirit, place on it a fair interpretation and you cannot conclude that it is intended to convey or that it conveys a general imputation on the services as a whole." What it does contain is an expression of opinion by Sir Cecil Walsh, an expression of opinion which he was quite entitled to make regarding individual lapses from probity on the part of particular members of the service. That there have been such lapses cannot be denied. I do not know precisely how many men were dismissed, removed or had to resign during the last five years. But there were certainly ten such cases. Had it been said that because there were ten such cases therefore the Provincial Judicial service as a whole was a service to which the word "deliberate rascality" could justifiably be applied, then we should have been the first to dissociate ourselves from any such view. But that is not what was said or implied. Sir Cecil Walsh was shocked that even that number of cases should have occurred, and he said so. What is there in that to which exception can reasonably be taken? I have been asked what our attitude would have been if any other service had been involved. My answer is that our attitude would have been precisely the same. Had there been ten such cases within five years in any other service and if anyone had said that he was shocked that ten such cases should have occurred we should not have dreamt of entering a protest. As regards sending copies of the answers to the questions and of the debate to Sir Cecil Walsh our position is this:—We cannot do this—not merely because we do not associate ourselves with the view of the honourable members opposite, but because if we were to do so it might be thought that we considered that there was some substance in the complaints made; it might be thought that, even though we did not associate ourselves with these complaints, even though we differed from those who took this line, still we considered that there was sufficient substance in the complaints



[The Hon'ble Sir Sam O'Donnell.]

to justify our sending copies of the questions and answers and of the debate to Sir Cecil Walsh. But we do not consider that there is any substance whatever in the complaints; because in our opinion there is no imputation on the Provincial Judicial service as a whole.

**Kunwar Jagdish Prasad :** I move that the question be now put.

**The Hon'ble the President :** I received a similar request before and I have no hesitation now to put it to the House whether the question should now be put.

*The question that "the question be now put" was put and the Council divided as below:—*

*Ayes, 51; Noes, 25.*

*Ayes.*

The Hon'ble Sir Sam O'Donnell.  
The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
The Hon'ble Thakur Rajendra Singh.  
The Hon'ble Nawab Muhammad Yusuf.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Sir Ivo Elliott.  
Mr. P. H. Tillard.  
Mr. H. A. Lane.  
Mr. R. L. Yorke.  
Mr. A. W. Pim.  
Mr. A. W. McNair.  
Khan Bahadur Chaudhri Wajid Husain.  
Mr. E. L. Norton.  
Mr. F. F. R. Channer.  
Mr. R. J. S. Dodd.  
Colonel G. Tate.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Khan Bahadur Mr. Masud-ul-Hasan.  
Mr. E. Ahmad Shah.  
Babu Ram Charana.  
Rai Bahadur Lala Shyam Sunder Lal.  
Thakur Hukum Singh.

Raja Kushal Pal Singh.  
Rao Sahib Kunwar Sardar Singh.  
Paudit Shri Sadayatan Pande.  
Rai Bahadur Babu Abhinandan Prasad.  
Sardar Nihal Singh.  
Rai Bahadur Babu Mohan Lal.  
Kunwar Surendra Pratap Sahi.  
Haji Abdul Qayum.  
Mr. Muhammad Abdul Bari.  
Saiyid Tufail Ahmad.  
Khan Bahadur Shaikh Zia-ul-Haq.  
Nawabzada Muhammad Liaqat Ali Khan.  
Lieut. Khan Bahadur Nawabzada Abdus Sami Khan.  
Shaikh Abdullah.  
Khan Bahadur Hafiz Hidayat Husain.  
Maulvi Saiyid Habib-ullah.  
Shaikh Ghulam Husain.  
Dr. Shafa'at Ahmad Khan.  
Khan Bahadur Saiyid Jafar Husain.  
Khan Bahadur Shaikh Saiyid Muhammad alias Maiku Mian.  
Khan Bahadur Hakim Mahbub Ali Khan.  
Khan Bahadur Maulvi Fasih-ud-din.  
Shaikh Muhammad Habib-ullah.  
Mr. St. George H. S. Jackson.  
Kunwar Bisheshwar Dayal Seth.

*Noes.*

Mr. A. P. Dube.  
Pandit Rahas Bihari Tiwari.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
Rai Sahib Lala Jagdish Prasad.  
Chandhri Vijay Pal Singh.  
Pandit Nanak Chand.  
Thakur Manak Singh.  
Thakur Badho Singh.  
Pandit Brijnandan Prasad Misra.  
Pandit Bhagwat Narayan Bhargava.  
Babu Kishori Prasad.  
Pandit Venkatesh Narayan Tiwari.

Babu Kavendra Narayan Singh.  
Thakur Shiva Shankar Singh.  
Rai Bahadur Thakur Hanuman Singh.  
Bhaya Hanumat Prasad Singh.  
Pandit Govind Ballabh Pant.  
Pandit Badri Dutt Pande.  
Rai Bahadur Pandit Sankata Prasad Bajpai.  
Babu Mahendra Deva Varma alias Lalji.  
Mr. C. Y. Chintamani.  
Rai Bahadur Lala Mathura Prasad Mehrotra.  
Raja Jagannath Bakhsh Singh.  
Pandit Iqbal Narayan Gurtu.

**The Hon'ble the President :** The question will be put after the mover of the motion and the member of the Government in charge, who have a right of reply, have spoken.

**Mr. C. Y. Chintamani :** Mr. President, I admire the ingenuity of the Government Whip in calling for a division at five minutes to six,

immediately after the speeches of the two members of the Executive Council, so that there might be no reply to their utterances from this side. However, I will take advantage of what little time may be available to say what I feel. Let me immediately state that the speech of the member in charge, the Hon'ble the Home Member, is far more satisfactory than the replies which he gave to questions this morning might have led us to expect. If anywhere during the course of his replies he had stated a fraction of the opinions which were embodied in his considered speech I can assure you, Sir, that there would have been no occasion whatsoever for me to make this motion . . . .

**The Hon'ble the President:** It is 6 p. m. ; the debate automatically terminates.

## APPENDIX A.

*(See page 339 supra.)*

*Rules framed by the Board of Indian Medicine, United Provinces, regarding grants to be given to institutions of indigenous systems of medicine.*

1.—The grant should be given only to such institutions as are recognized by the board.

2.—The grant should be given only to such institutions as adopt the courses of study prescribed by the board.

3.—The institution to which grant is given must be one year old.

4.—Reports regarding each institution should be asked for from the collector of the district where those institutions happen to be, and also from the chairman of the municipal board of a particular urban area in case the institution is located within that area, and from the chairman of the district board of a particular district if the institution is located within the rural area of that district.

5.—Every institution receiving a grant-in-aid should be required to submit its annual report, showing the progress made, the staff employed, the number of scholars on the roll and number of patients treated, or of either of them, as the case may be, and also to submit a statement of accounts showing its income and expenditure during the year.

6.—The annual grant should not ordinarily exceed one-half of the total expenditure on the institution. No charges on account of the management or of building and repairs, except petty repairs, should be included in the expenditure.

7.—Every institution shall maintain an inspection book and the officers authorized by these rules to inspect these institutions shall have power to record their views, notes and suggestions in the inspection book relating to the institutions inspected by them. A copy of the inspection note will be forwarded to the secretary of the board by the head or manager of the institution as soon as such inspection is made.

8.—The register of patients kept by the dispensaries or *ausadhalayas* and also the inspection books maintained by the institutions under the above rule shall be open to inspection by all members of the board as also by the chairmen of the municipal and district boards, by the health officers of these boards, and by Government officers not lower in rank than a tahsildar and by any other person who may be generally or specially appointed by Government in that behalf.

## APPENDIX B.

*(See page 341 supra.)*

*Statement referred to in the answer to starred question No. 27 for January 29, 1927.*

An assistant commissioner of excise has been prosecuted under section 161, Indian Penal Code.

Four officers of the Irrigation branch have been dismissed from Government service for over-measuring work. These officers were an assistant engineer in the United Provinces Engineering service, two members of the Subordinate Engineering service and a first grade sub-overseer.

The toll collector at Benares was prosecuted for embezzlement and convicted.

Cases regarding two sub-registrars are under inquiry. Four registration muharrirs were dismissed for taking illegal gratifications.

A tahsildar has been dismissed for conduct akin to corruption. *Inter alia*, he was using money kept in the single lock of the treasury for private purposes. An elaborate inquiry was undertaken into the case of another tahsildar who was exonerated. As many as 1,500 witnesses were examined by two successive collectors and the Criminal Investigation department.

In the Public Health department an assistant superintendent of vaccination was degraded and transferred, and another case is under inquiry.

One subordinate judge and one munsif were allowed to retire or resign as the result of suspicious conduct and one munsif was removed. The cases of two deputy collectors are under inquiry.

In the Police department during 1926 one reserve inspector, 28 sub-inspectors, nine head constables, four naiks and 72 constables were charged with conduct which amounted in one way or another to using or abusing their official powers for profit. Of these, five sub-inspectors, three head constables and sixteen constables were convicted judicially. Two sub-inspectors, two head constables and eight constables were judicially acquitted. One reserve inspector, four sub-inspectors, two head constables and twenty constables were dismissed, seven sub-inspectors, three naiks and eleven constables were reduced, one sub-inspector and nine constables received other punishments, two sub-inspectors, one head constable and four constables were exonerated, and the cases of seven sub-inspectors, one head constable, one naik and four constables are still pending.



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